

Translator's Foreword

All praise is indeed for Allah, the Mighty and Majestic. And may He send abundant prayers and perfect peace upon His Messenger, Muhammad.

In the interest of maximum benefit, ease of circulation and readability certain choices have been made in translating this text to English. These should be noted prior to taking on the main text, as follows:

1. Where understanding in English would be difficult by keeping to the actual flow of the sentence in Arabic (which creates its own tone), some editing has been done in order to keep the general meaning of the author.
2. Biographies of various scholars mentioned in the text have been provided. These are not the work of the original author.
3. To reflect the respect given by the author to the various cited scholars and Islamic personalities the following terms have often been used:
 - 'Allaamah: "great/eminant scholar"
 - 'Imām: "master scholar"
4. Some Arabic terms that have English equivalents have been left in Arabic due to the specific meanings they have in the Islamic context, such as *zinaa* (fornication), *tafsir* (exegesis), etc.
5. Square brackets, "[]", are used for additional clarifications provided by the translator in the main text and "Tr.:" precedes those in the footnotes.
6. For translation of Qur'anic verses, the *Saheeh International* version has been used. These have been edited and adapted at times either to capture a shade of the meaning relevant to the context, or to improve sentence flow, or for similar reasons.
7. The author's title given to this text is given on the last page.
8. Citations by the author in the original have been included as footnotes.
9. All references cited in italic refer to the popular Arabic publications of these texts.

This translation is being made available specifically in light of the recent public manifestation of the operation that the Pakistan army has termed as *Raah-e-Nijaat* (Urdu), *Tariqat-un-Nijaat* (Arabic) or "Path to Relief".

Main Text

All praise is for Allah, and may prayers and peace be upon the Messenger of Allah, his family, his companions and those who give allegiance to him.

To proceed: When anyone reflects upon the series of afflictions that our Islamic *ummah* has descended into and the intricate set of difficulties that have branched into every single aspect of this *ummah*'s life, he finds that it can be traced back to the great calamity that has afflicted all the lands of the Muslims: the dislodging of the Islamic *Sharī'ah* and its disappearance from their lives. This is after its having previously been a well-established reality and a judicious law. The Muslim states, therefore, were submerged into the ocean of absolute ignorance. They directed their faces sometimes to the East and many times to the West. They found comfort in importing from the *kuffaar* their ideas, laws, political and economic systems, etc. The *ummah* began to publish their publications, imitating their ways and pursuing their mirages. This was all to fill the extraordinary vacuum that came into being because of its being far from the *Sharī'ah* of its Lord. Hence, nothing was achieved through this except an increase in its thirst and further consolidation of its state of ignorance. Its straying from the religion, wherein was the protection of its affair and the maintenance of its life, was only further amplified.

And this is the recompense for anyone who avoids the legislation of Allah, and abhors its mention and establishes links with other than it: confusion and disorder, vexation and tribulation, afflictions and disasters, deviations and straying, constriction and misery, discomfort and pain. It is as He the Glorified and Exalted has stated:

And whoever turns away from My remembrance - indeed, he will have a depressed life, and We will gather him on the Day of Resurrection blind. [20:124]

The master scholar, ibn Kathir¹, has said regarding this ayat, "...that is, he goes against my command and what I have revealed upon my Messenger; he turns away from it and forgets it and takes guidance from other than it, **'then indeed, he will have a depressed life,'** that is, in this world. So there will be no calm for him, nor any widening of his breast. Rather his breast will be constricted and in discomfort due to his misguidance. And if his exterior appears to be well-endowed: he wears and eats what he pleases, he lives where he pleases; then surely his heart is not purified by

¹ Abul Fida Isma'il ibn 'Amr ibn Kathir al-Qurashi al-Basri (700-774AH) was born in Basra but then moved to Damascus. He is the author of one of the most renowned commentaries on the Qur'an, derived mostly from abridgement and critical authentication of narrations in the earlier classic, *Tafsir at-Tabari*. He had generally studied in the *Shaf'i* school of jurisprudence.

*conviction and guidance. So he remains in anxiety, confusion and uncertainty. He continues to waver in doubt – so this falls into the category of a depressed life.”*²

Just as this constriction, punishment and confusion is experienced invariably by individuals, then it also sets upon groups and states that have strayed from the truth and dislike guidance. They waver in an abyss of destruction. They pursue their base desires, wandering aimlessly yet doggedly in deserts of falsehood. So, after all this, they do not inquire into the state of corruption that has reigned upon them, nor the disasters that they have met with.

Where blessings and abundant mercy are opened up on “the people of the cities” due to their faith, their *taqwa*, their righteousness, their self-correction and their steadfastness – then, indeed, they are also lifted up from them when their condition is completely reversed, their matter changed. They have substituted “that which was superior with that which was inferior”;³ “your Lord does not do wrong with any single one”⁴. Just as He, the Exalted, states:

“And if only the people of the cities had believed and feared Allah, We would have opened up on to them blessings from the heaven and the earth; but they denied [the messengers], so We seized them for what they were earning.” [7:96]

“And if only they upheld the Torah, the Gospel, and what has been revealed to them from their Lord, they would have consumed [provision] from above them and from beneath their feet. Among them is a moderate community, but many of them - evil is that which they do.” [5:66]

“And [Allah revealed] that if they had remained straight on the way, We would have given them water in abundance [as provisions]. So We might test them therein. And whoever turns away from the remembrance of his Lord He will put into arduous punishment.” [72:17]

“Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do.” [16:97]

² *Tafseer ibn Kathi* (5/323)

³ Tr: A reference to the story of the Children of Israel seeking commonplace vegetables to substitute for the Divinely gifted Mann and Quails (2:61).

⁴ *Al-Qur'an* (18:49)

In view of this, what is the case then of one who propagates oppression – the greatest of which is *kufir* in Allah and rejection of His *Sharī'ah* – takes away justice, spreads wrong, broadcasts defiance except that it results in the general incidence of corruption in the land and the sea. As we have been informed of this by the All-Knowing and Well-Acquainted, Glorified and Exalted:

“Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned so He may let them taste part of [the consequence of] what they have done that perhaps they will return [to righteousness].” [30:41]

“And whatever strikes you of disaster - it is for what your hands have earned; but He pardons much.” [42:30]

And it is narrated from ibn Umar (may Allah be pleased with them), “*We were with the Messenger of Allah (may Allah send prayers upon him and peace) when he said, 'What will your condition be when amongst you occur five things – and I take refuge with Allah that they happen amongst you or that you come upon them:*

1. *Never does a shameful act (fāḥishah) appear amongst a people that is practiced publicly except that plague and other ailments appear within them that their forefathers had not experienced.*
2. *Never do a people withhold Zakāt except that the rain is withheld from them, and were it not for the animals then have not rained at all.*
3. *Never do a people shorten in weight and measure except that they are taken by years of famine, severity of provisions and tyranny of rulers.*
4. *Never do their rulers judge by other than what Allah has revealed except that their enemies are given reign over them, so they will recover some of that which is in their hands.*
5. *Never do they suspend the Book of Allah and the Sunnah of His Messenger except that Allah makes them fight amongst themselves.”*⁵

That is because, on the one hand, mankind seeks the Revealed Truth that has come right from their Lord upon His Prophet and purified one,

⁵ This wording is narrated by al-Bayhaqi in *Shu'b-ul-Imaan*, and a similar narration is in ibn Majah and al-Hakim, with the latter saying: this hadith is authentic but [the Imams Bukhari and Muslim] did not report it [in their Sahih collections] and adh-Dhahabi. Al-Bazzar also reports it in his Musnad as well as others. [Tr: One can also refer to supporting verifications by al-Hafidh ibn Hajar in *Fath-ul-Baari* (vol. 16 pg. 67) and al-Albaani's *Sahih Targhib wat-Tarheeb* (vol.2) no. 1761 and no. 2187.]

Muhammad (may Allah send prayers upon him and peace), so that they are blessed and enter security and they be given fine lives. And on the other hand, they seek out their base desires, pursue their lusts, are guided by their whims, are subservient to their own way of thinking and have been put to test by their own judgments, which Satan has made fair-seeming to them. Thus, indignation has been allowed for them and the state of corruption has been aggravated. But Allah is “*constantly monitoring them from a high position*”⁶. It as He, the Glorified and Exalted, has said:

“But if the Truth had followed their inclinations, the heavens and the earth and whoever is in them would have been ruined. Rather, We have brought them their message, but they, from their message, are turning away.” [23:71]

Thus, there is not in the land any except two types of rule of law: (i) a rule of law that Allah has legislated and enjoined upon His slave belief in it, compliance with it, ruling by it, and that is the well-established religion that the Most Graciously and Intensely Merciful (*ar-Rāḥman ar-Rāḥīm*) has revealed; and (ii) a rule of law that is *Jāhili*, falling and rising according to base desires and which Allah will not accept from its affiliates – whether by substitution or by equivalence⁷ – however they may adorn it, are pleased with it, work to carry it out and call to it. Just as the Glorified One has stated:

“Then is it the ruling of ignorance [*Jāhiliyya*] they desire? But who is better than Allah in terms of ruling for a people of firm faith.” [5:50]

“So remain on a right course as you have been commanded, [you] and those who have turned back with you [to Allah], and do not transgress. Indeed, He is Seeing of what you do.” [11:112]

“So adhere to that which is revealed to you. Indeed, you are on a straight path.” [43:43]

“So rely upon Allah; indeed, you are upon the clear truth.” [27:79]

“Then We put you, [Muhammad], on an ordained way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know. Indeed, they will never avail you against Allah at all. And indeed, the wrongdoers are allies of one another; but Allah is the protector of the righteous. This is an

illumination for mankind and guidance and mercy for a people who are of firm faith.” [45:18-20]

“For that is Allah, your Lord, the Truth. And what can be beyond truth except error? So how are you averted?” [10:32]

So the effort to rule by the *Sharīʿah*, to establish its supporting infrastructure and to oblige its rule is neither from the voluntary actions nor from the extra virtues where a person has room to choose. It is only the mother of all necessities and their foundation for it summarily ensures either the maintenance of Islam or its loss. Thus, as we know, worship has a meaning that is all-inclusive of all that Allah loves and is pleased with whether from actions or statements, both apparent and secret. And Allah, Glorified be He, has not created the creation except that they should worship Him alone, not associating anything at all with Him – as the Mighty and Sublime has says,

“And I did not create the jinn and mankind except to worship Me. I do not want from them any provision, nor do I want them to feed Me.” [51:56-57]

“And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth, and to establish prayer and to give *Zakāt*. And that is the correct religion.” [98:5]

“Say, [O Muhammad], ‘Indeed, I have been commanded to worship Allah, [being] sincere to Him in religion.’” [39:11]

“Say, ‘Allah [alone] do I worship, sincere to Him in my religion...’ [39:14]

Given that is the case, then the matter of establishing the *Sharīʿah*, broadcasting it, obligating it and ruling by it is an essential requirement of Worship. It is that essential requirement for which the creation has been created. It is upon mankind that they enter into the religion completely, submissively and in a subjugated state. It is not for them that they choose an alternative, be selective, accept and reject. As Allah the Mighty and Majestic states:

“O you who have believed, enter into Islam completely [and perfectly] and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.” [2:208]

The eminent scholar as-Saʿdī⁸ has said (may Allah be merciful with him) in his *tafsīr* of this ayat: *This is a command from Allah the Exalted to the*

⁶ Allah the Exalted mentions, after telling of ill-fated nations, “**Indeed, your Lord is *bil-Mirṣād* [constantly monitoring from a high position].**” (89:14)

⁷ Tr: Allah will not let go and dismiss the Shariʿah He himself as legislated neither consider the two equivalent and thus acceptable alternatives.

⁸ ʿAbdur-Rāḥmān bin Nāṣir bin ʿAbdullāh As-Saʿdī (1307-1376AH) was born in Unaizah, Saudi Arabia. His teachers included ʿUthmān al-Qāḍī (judge of Unaizah) and Muhammad ash-Shinqīṭi. More than ten of his books have been published, including a commentary of the Qurʾan, *Taysīr-ul-Karīm ar-Raḥmān fī Tafsīr-ul-Kalām al-Mannān*. Amongst his famous students was Ibn al-ʿUthaymīn, a jurist on the Saudi *Lajnah*.

believers that they should enter ‘into Islam perfectly’. That is, they should enter into all of the legislations of the religion. They should not leave anything out of it. They should not be those who take their own whims as their god: if a matter agrees with his whims he acts on it, but if it is against it he averts it. Nay, it is obligatory that whims be subservient to the religion. He should do all of what has been decreed for him as righteous deeds. Whatever he is incapable of he still adheres to it and makes intention to execute it. Thus he achieves this through his intention.⁹

The Glorified and Exalted One states:

“It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.” [33:36]

The master scholar, ibn Jarīr¹⁰ (may Allah be merciful with him) states with regards to this ayat, “It can never be for a believer in Allah and His Messenger, not even a believing woman, that when Allah and His Messenger decide any matter related to their person that they choose in their matter other than that decreed for them: opposing the command of Allah and the command of His Messenger and their decision, thus disobeying them. And whoever disobeys Allah and His Messenger in whatever command or prohibition ‘has certainly strayed into clear error’. He is saying: then he has deviated from the way that was his objective, and has taken a way other than that of guidance and that which leads to definite success.”¹¹

Hence, the Muslim who is truthful with His Graciously Merciful Lord with regards to his keen desire for His Pleasure must, in terms of his religion, make this affair his passion and ambition. He must expend all his capabilities for its realization and establishment, and the pursuit of the path of guidance for its acquisition. He should not withhold any efforts in doing that. For the issue of establishing the religion and ruling by the Islamic *Sharīʿah* is the battle of our age, the axis around which all revolves, the fiercest fight of our times between the friends of *ar-Raḥman* and the friends of *ash-Shayṭān*; the one who has made fair-seeming for mankind the system of *Jāhiliyyah*, has called them to the laws of *kufṛ*, made beautiful to their eyes the *Sharīʿah* of misguidance and set up his

army from both men and *jinn* that seduce mankind into misguidance through highly embellished words and actions. They gradually take them into the depths of destruction using every medium and false justification. He has established his callers at the gates of Hellfire and the paths of temptations – calling and crying out by day and by night, “Come to us, come to us!”¹² He has cast into their ways compelling doubts and interwoven lusts, these cause deviation while those cause a downfall. Hence, the people have become divided. There is the party of truth, calling to guidance and crying out for self-correction and correction of society and the fighting of those who are not upon this. And there is the party of seduction and misguidance and destruction, calling to what will cause ruin and crying out for self-corruption and corruption of society. It is expending its whole existence for that cause. Thus, the statement of Allah the Exalted is realized with respect to these two parties:

“Those who believe fight in the way of Allah, and those who disbelieve fight in the way of *ṭaghūt* (leader in transgression). So fight against the allies of Satan. Indeed, the plot of Satan has ever been weak.” [4:76]

Such is the case, while they order that the Islamic *Sharīʿah* be absent, take as allies those from mankind most farthest from it, and battle against the callers to this *Sharīʿah*. They have made obligatory the laws of *kufṛ* upon the Muslims that have become a generally administrated poison in their countries. The *ummah* will not be unbound from this state of affairs until it does not attend to the various causes of those generations that know nothing about Islam except the names. They do not comprehend the rulings of the *Sharīʿah* except the titles. Its absence has grown long on them such that they are in agreement with the state that they are in and have compromised with it. It is only a few amongst them that even perceive the great calamity they are in. As such, this agreement has given birth to adaptation and the death of hearts, even though they may know of the ugly state of affairs they are in, and perceive the overwhelming enormity of the catastrophe that they are living through. They should expend for riddance from it and to rid the slaves of Allah from its evil everything that is dear and precious and make cheap in the defense against it their wealth and their souls. They should know that every calamity pales into insignificance before the calamity of the loss of the *Sharīʿah* and the revival of the systems of *ṭaghūt* – and Allah is the ultimate aid.

⁹ *Tafseer as-Saʿdi* (1:94)

¹⁰ Abū Jāʿfar Muhammad bin Jarīr at-Ṭabarī (224-310AH), a master scholar amongst the commentators on the Qurʾān. Born in Tabaristan, but later migrated to Baghdad. His most famous works include the most earliest *tafsīr* to reach us in complete form and rich with complete chains of narration, now known as *Tafsīr at-Ṭabarī*; also his book on history called *Tārīkh al-Umam wal-Mulūk*.

¹¹ *Tafseer at-Tabari* (20:271)

¹² Tr: This is similar to the cry of the hypocrites at the time of the Battle of al-Ahzab (the Confederates): *Already Allah knows the hinderers among you and those [hypocrites] who say to their brothers, “Come to us,” and do not go to battle, except for a few... [33:18].*

Amongst the countries that have been struck by what has struck the lands of the Muslims in general, and has met with catastrophe just as others like it is Pakistan. Those who established it claim that its foundation is nothing but *lā ilāha illallāh*; so much so that it is even claimed as “the Word of Allah that has become most high” and “the word of the *kuffār* made most low”. However, since its foundations were laid (14 August, 1947), people have continually been awaiting that promised day that has now been buried under heaps of slogans, false oaths, deceptive and fraudulent politics and games played by the governments yielding corruption after corruption. The long ages of many of the righteous have come to an end while they have been waiting. So they have left and disappeared. Regretful despair had cut up the devotion of their hearts as they had not seen what they had been promised and they could not even catch a sniff of its scent. No – in fact the gusts of westernization were blown onto them along with the strong winds of [political] terrorism so that what even remained of the symbols of Islam were also uprooted: its beliefs, its features and especially its passions. Thus, the affair of Pakistan reached where not even the most perceptive could recognize, in terms of its aversion from the *Sharīʿah*, displacement from its rulings, putting in power corrupt ones, alliance with the *kuffār*, manifest aid to them, warring against the people of faith and giving precedence to sacrifices that would gain the pleasure of the stray Christians. Thus, Pakistan became a staunch supporter in the alliance with the *kuffār* who are in open war against the religion of Islam. Its army became a rich source for its spies and police. Heading the fight, with a most direct participation in tearing apart the joints of the Islamic *ummah*.

In spite of all this, we continue to find those who are hesitant or in doubt about the obligation to fight this country just like it is to fight all other countries that have rebelled against the legislation of Allah. Who have averted His religion and guidance and have allied with *kufir* in every form of alliance – whether by statement or by men or by establishing joint military exercises or by freely allowing every type of Christian and *kāfir* air-force jet to enter its airspace or by making easy every avenue of [military] aid and supporting that. Also by opening up prisons and filling them up with believers who worship Allah alone:

“And they resented them not except because they believed in Allah, the Exalted in Might, the Praiseworthy. To whom belongs the rule [*Mulk*] of the heavens and the earth. And Allah, over all things, is a Witness.” [85:8-9]

Indeed, according to the *Sharīʿah*, even just one of these matters is enough to oblige fighting the one who commits it against the Muslims or even supports its perpetrators. So what about when all of these are gathered

together, along with causing further aggravation and intensification of it, in public and with pride – day after day?!

One is utterly baffled and marvels at this reluctance and confusion that some have come to when faced with fighting against this system, its aides and its mutilating defenses that will not refuse to do anything that their leaders command them to do. That is alongside the betrayal of those lofty ambitions, some of which we have alluded to earlier. It is asked, seeking the truth: if it is not these and their likes that it is justified that they be fought, so that their widespread evil and rampant corruption of the *dīn* and *dunyā* may be “uprooted completely”¹³, then who else is it justified for?!

For we all know the story of the Jews of *Banī Qaynuqāʾ* whom the Prophet (may Allah send prayers upon him and peace) evacuated. He had wished their annihilation had the hypocrite, Abdullah bin Abi Sulool, not intervened in the matter and pressured him the Prophet (may Allah send prayers upon him and peace) to leave them. The cause for that battle had been as is narrated in the books of *Sīrah* that, “an Arab woman had come to the market of *Banī Qaynuqāʾ* to collect some goods she had purchased there and was sitting at the place of a jeweler there. They wished that she should show her face but she refused. The jeweler then approached one side of her clothing and tied it to her seat such that when she stood up her private parts were revealed and then they laughed at this. So she cried out and then a man from amongst the Muslims pounced on the jeweler and killed him. He was a Jew so the Jews became enraged at this man and they killed him. So the people of this Muslim called the Muslims out against the Jews. Thus, the Muslims were greatly angered and the hostility between them and *Banī Qaynuqāʾ* arose.”¹⁴

All of these matters can arise solely due to the nakedness of one woman being revealed and it justifies these Jews who were under a treaty to receive this recompense that had to be honored over and above that. Then how should it be for those who that set up their country’s agencies, and organize all of its economic, academic, military and intelligence apparatus to battle against the religion, whether generally or in detail? As a result, moral decency has been destroyed, intellects have been disfigured, all that would screen modesty has been torn down and “the nakedness has been revealed”. Belief systems have been demolished and the doors to skepticism have been opened wide to the Muslim women of this religion.

¹³ Tr. The wording is similar to Allah, the Exalted, stating, “Remember, [O believers], when Allah promised you one of the two groups - that it would be yours - and you wished that the unarmed one would be yours. But Allah intended to establish the truth by His words and to completely cut off the root of the disbelievers” [8:7].

¹⁴ *Seerat ibn Kathir* (3:5). In *al-Bidayah wan-Nihaya* (4:5), ibn Kathir attributes it to the *Seerah* by ibn Hisham.

How should it be for those who have made the whole state and the components of its military and air force devoted, subservient and docile to everything that comes to them from the people of *kufir* whether that is the Christians or others. Who fill the prisons with those who bow and prostrate from the women and men, the scholars and the *mujāhidīn* for no other reason than their belief in the truth and their calling to it and their seeking its establishment.

So where is the incident of the uncovering of the nakedness of a single woman – and that in itself was a great matter, without doubt – compared to all these crimes and great things. And where is the spontaneous, childish and impudent action perpetrated by the Jew compared to the organized crimes that are in accordance with a complete program supported by complete aid, the utmost rigor and highly secretive plotting?!

And where is the killing of a single one of the Muslims upon the hands of the Jews who were taken by the zeal of ignorance and devilish anger *vis-à-vis* the massacre of hundreds of believers, the destruction of their homes and towns and mutilation of their bodies in the prisons of oppression and rebellion [against the Divine command] – all of this in the service of the allies of Satan and to please the worshippers of the Cross?!

It is due to this that these few succinct pages have been put forward, so as to clarify that fighting this country (and whatever resembles that) is from the obligations of the *Sharī`ah* over which there is no difference amongst the scholars with absolutely no exceptions. Also that expending one's greatest efforts in that is actually from the most supreme of *Jihad* in the way of Allah. Because by this is protected the head of the wealth of the *ummah* in terms of its Islam, its belief and its rule of law. And it is an invitation to the most honorable scholars of Pakistan and its virtuous callers to Islam that they may comprehend the trust that has been cast upon their strong shoulders of “inciting the believers to fight”¹⁵. And that they know that the day of the fierce and bloody battle and meeting is nearly upon them, without doubt, whether we try to avert it or delay it. So the happy one is who Allah makes a role model for the people and a leader in guidance and an opener to the doors of good and the example for the believers in terms of sacrifice, endeavor and martyrdom (*fidā`*). So that they become due to that truly followers of the example of the Prophet (may Allah send prayers upon him and peace) who spent his wealth, expended his blood, split off from his people, emigrated from his land and fought the close ones prior to the far ones – until Allah made him vanquish

¹⁵ Tr.: Refers to the *āyat*: “So fight, [O Muhammad], in the cause of Allah; you are not held responsible except for yourself. And insight the believers - perhaps Allah will restrain the [military] might of those who disbelieve. And Allah is greater in might and stronger in [exemplary] punishment.” [4:84]

his enemy and cooled his eyes with a great conquest. So his way is the way of one who intends to strengthen the religion, pursuing an exemplary life – the life of the leader of the first and last [of mankind], one who is guided by this example in the extremes of prosperity and ease and hardship. It is from this that Allah the Exalted stated:

“There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often.”¹⁶ [33:21]

And Allah is the Ultimate Aide and upon Him is the ultimate reliance.

1. Consensus¹⁷ of the scholars on the obligation to remove the *kāfir* ruler

There is no difference amongst the scholars that the *wilāyah* [i.e. the duty of allegiance to an authority over the Muslims] of any Muslim is not conferred upon a *kāfir* to start with. Later, if *kufir* appears, then it is obligatory to remove it. Therefore, Islam is a categorical prerequisite for *wilāyah*. There is no escaping this requirement, whether it is at the start or during the tenure of this *wilāyah*.

This is as stated in the encyclopedia of juristic rulings, “*There is no wilāyah of a kāfir over a Muslim, whether that is a general or specific wilāyah. So the kāfir cannot be an Imām over the Muslims, nor a judge over them, nor a witness over them. There is also no wilāyah due from a Muslim wife to him, nor by way of fosterage...he [the kāfir] cannot act as a walī over him [a guarantor of protection] nor can he be one who he inherits from...and al-wilāyah is to exalt someone in terms of might and honor – thus it cannot ever be brought together with the weakening and humiliation of kufir.*”¹⁸

The master scholar ibn al-Mundhir¹⁹ states (may Allah be merciful with him) “*Every one of the people of knowledge from whom we have*

¹⁶ Tr.: This is a highly pertinent point. The context of this very *āyat* is such that Allah, Mighty and Wise, moves from the description of the excuses and cowardly ways of the hypocrites in the battle against the Confederates (*al-Ahzaab*) to the conduct of the believers in the face of this trial. This *āyat* is precisely at this point of transition – as if to say that especially at this occasion of the battle against the Confederates, you have had the best example in the Prophet (may Allah send prayers upon him and peace), followed by the general conduct of the believers. The Prophet's bravery, steadfastness, undying faith in the promise of Allah (Mighty and Majestic) hard work and generosity was indeed exemplary at the time of this battle (may Allah send prayers upon him and peace).

¹⁷ Tr.: Refer to Appendix A: *Consensus as proof*.

¹⁸ *al-Mawsoo'at ul-Fiqhiyyah* (Kuwait)

¹⁹ Tr.: Abu Bakr Muhammad bin Ibrahim bin al-Mundhir an-Naysaburi (242-319H), was a great scholar who remained in residence at the Haram in Makkah. Adh-Dhahabi states that ibn al-Mundhir was the author of books the likes of which have not been written. Of them is *al-Mabsoot* on Islamic Jurisprudence and *al-Awsat fi as-Sunnan wal-Ijmaa' wal-Ikhilaf* and *al-Ashraf `alaa madhaahib ahlil-`Ilm*. Hence, he is often cited to establish if a consensus of the scholars exists.]

memorized is in agreement that the *kāfir* has no right of *wilāyah* over any Muslim in any instance.”²⁰

That is because, *al-wilāyah* is a position of honor and a station of trust. That which is most critical from it is what is [generally going to be] the greatest of critical matters. Thus, the *Imāmah* (leadership) is as *Imām al-Haramayn al-Juwayni*²¹ (may Allah be merciful with him) has said about it, “Complete government and leadership over the masses is something that pertains to both the special and the general with respect to the most critical matters in the religion and the material world. It includes protection of occupied lands, looking after the citizens, the establishment of the call [to Islam] on the basis of clear arguments as well as by the sword, the restraint of unjust preferential treatment and oppression, the obtaining of justice for the oppressed from the oppressors and the fulfillment of the rights from whom they have been withheld and honoring them with respect to those who are most entitled to them.”²²

So should one look as this most greatest of critical matters is established, and the matter of establishing the religion and the defense of the material domain is delegated to its *kāfir* enemies and relegated to the corrupt?

Hence, Allah the Exalted has stated in His Book, “**...And Allah will not grant to the unbelievers a way (*sabeel*) over the believers.**” (4:141) Although the apparent meaning of this *ayat* is a report [i.e. as a statement of what is expected in terms of events in this world], but many of the scholars have indeed derived from this an actionable ruling that relates to withholding *al-wilāyah* from the *kāfir* over the Muslim, whether that is in minute issues or major ones. The master scholar, ibn Kathir, says about this *āyat*: And, of course, many of the scholars have used this noble *ayat* to substantiate the most correct of the two statements amongst the scholars: withholding the oath of allegiance of the Muslim slave from the *kāfir*, when there correct giving of an oath will be due to authority being established for him and subservience. And those who stand by the correctness of this opinion, in that case, require him [i.e. the Muslim] to remove his [i.e. the *kāfir*’s] authority [or rule] over him.”²³

²⁰ *Ahkaam Ahl-udh-Dhimmah* (2:414) of ‘az-Zara’i. Originally quoted in *al-Mughni* (7:21) of ibn Qudama (d. 620H) as published by Darul-Fikr:Beirut.

²¹ [Tr.: Abul-Ma’aali Abdul Malik b. Abdullah al-Juwayni (419-478H), famously known as the *Imām al-Haramayn*, as he taught in the vicinity of both Makkah and Madinah for some time; a major scholar of the Shafi’i school and also famous as a main teacher of the scholar al-Ghazzali.]

²² *Ghiyaath-ul-Umam wa Tiyaath-udh-Dhulum*, p. 15

²³ *Tafsir ibn Kathir* (2/437).

The eminent scholar, Abu Bakr al-Jassaas al-Hanafi²⁴, has said with regards to this same *ayat*: *It is argued based on the apparent meaning of it, that separation will have occurred between two spouses when the husband commits apostasy. That is because the contract of marriage establishes a ‘right of way’ [sabīl] for the husband in terms of her having to restrict herself in his house, her granting of respect [to him], her being withheld from rebellion against him, and upon her is to obey him in what the contract of marriage necessitates, as has been stated by the Exalted, “The men are responsible for protection and maintenance [qawwām] over the women...”*²⁵ Thus, the Exalted’s statement, ‘...and He will not grant to the unbelievers a way for the believers,’ necessitates the occurrence of separation because of the apostasy of the husband and the ceasing of his ‘way’ over her. That is because the marriage cannot remain in tact as his rights would also remain affirmed and his ‘right of way’ over her would continue.”²⁶

When *al-wilāyah* in such limited issues cannot be conferred upon a *kāfir*, then how about the case of the leadership of the masses whose status is well-known in our religion. Hence, the Prophet (may Allah send prayers upon him and peace) stated, “Islam prevails and is not prevailed.”²⁷ And Buraidah (may Allah be pleased with him) said, that the Messenger of Allah (may Allah send prayers upon him and peace), “Do not call a *munāfiq* by the title of ‘sayyad’; for, indeed, even if he is a ‘sayyad’, you still have then angered your Lord – the Mighty and Majestic.”²⁸ The Prophet (may Allah send prayers upon him and peace) has informed us that simply calling the hypocrite a *sayyad* angers Allah, the Mighty and Majestic, even though the hypocrite manifests Islam. Then what about the [claimed] *tawliyah*²⁹ practiced with those in high and honorable positions, fearing for one’s religion from the *kāfir* and corrupt, those who contest the limits [*yuḥādūna*]³⁰ set by Allah and His

²⁴ Abu Bakr Aḥmed bin ‘Ali al-Rāzi al-Jassās al-Hanafi (305-370AH.). A major scholar of Islamic jurisprudence in the Hanafi school of thought. Amongst the most famous of his writings are *al-Fuṣūl fīl-Uṣūl* (Principles of Islamic Jurisprudence according to the Hanafi School) and *Aḥkām ul-Qur’ān*.

²⁵ *Al-Qur’ān* 4:34

²⁶ *Aḥkām ul-Qur’ān* (3/279)

²⁷ Narrated by ad-Daraqutni, al-Bayhaqi and *ad-Diya al-Maqdasī* and ar-Rūwayānī on the authority of ‘Amr bin Aidh (RA). [Tr.: al-Bukhari includes it without a chain of narration in a chapter heading. Ibn Hajr substantiates that he considers it *Marfū’* (complete) and *Mawsūl* (connected) from ad-Daraqutni and ar-Rūwayānī – see *Fath al-Bārī* (4/425)]

²⁸ Aḥmed, Abu Dawood, An-Nasaa’i and also in *Adab al-Mufrad* of al-Bukhari, and others.

²⁹ Tr: A form of deception allowed in Islam generally in the case of danger which involves making ambiguous statements which are in themselves statements of truth but they are understood by the one spoken to in a meaning other than the speaker intends. For example, the Messenger of Allah (may Allah send prayers upon him and peace) on one occasion of danger was asked where he was from and he responded *min al-maa’* (from water) – but the listener understood this as a tribe’s name.

³⁰ A phrase that appears in al-Mujadilah(58):5 and elsewhere.

Messenger? And what about when, on top of that, there is their exaltation in honor, magnification, preferential treatment, veneration, addressing them with expressions of reverence, appreciation, respect and exaltation? And what about when, added to that, there is the submission [*islām*] of the affairs of Islam to them, and making them leaders who will enjoin and forbid, grant honor and dishonor, bring near or take far away? Would that not invite the anger of Allah, his discontent and abomination – and surely we take refuge with Allah from all that? And that especially when they openly declare to be toiling laboriously against the path of the believers, and take great pride in their treading the path of the criminals?

The master scholar, Abu Ja'far at-Tahawi al-Hanafi³¹ (may Allah be merciful with him), stated with respect to the preceding hadith: *Thus, we pored over the contents of this hadith and then found that the 'sayyad' who is entitled to this label, he is particularly that person who possesses superior material means such that, by their virtue, that is justified for him. It is what distinguishes him from those other than him over whom he reigns. Thus, he becomes one entitled to this label, and being in this position is due to these attributes of his. But the state of the hypocrite (munāfiq) is the opposite of that. And so when this is the case, he is no longer entitled to be a 'sayyad' as whoever confers this title upon him would be doing so in opposition to the position that Allah has conferred upon him. That would thus become a source of discontent for his Lord.*³²

Indeed, the *Salaf* [the earliest righteous generations of Islam] (may Allah be pleased with them) were the most extreme of people in taking precautions and prudence in allowing *kuffār* to infiltrate into anything. That was because ascension through the least of positions taken by them would allow the entrance of corruption of the Muslims and giving them a free hand to flirt with their religion. They would do this while being taken by passionate firmness due to the statement of Allah the Exalted to his believing slaves, a warning especially for them against the results of weakening one's stance with them in this affair; inclining towards anything that would indeed prop up the strength of the *kuffār* even [under the pretext of] leaning towards them for sincere advice and keenly seeking self-correction:

“O you who have believed, do not take as intimates (*bitaanah*) from other than yourselves, for they will not spare you [any] ruin. They wish you would have hardship. Hatred has already appeared from

their mouths, and what their breasts conceal is greater. We have certainly made clear to you the signs, if you will use reason.” [3:118]

The master scholar Abu Bakr al-Jaṣṣāṣ (may Allah be merciful with him) says: *The intimate [biṭnah] of any man are his special people who are deeply engrossed with his affair, and he trusts them with his affair. Thus, Allāh the Exalted has forbidden the believers that they should take the people of kufr as bitānah instead of the believers and that they should seek their aid in their special matters. He reports about the inner thoughts of these kuffār about the believers, and thus says, “for they will not spare you [any] ruin [khabāl].” This means that they will not hold back in any way they can find to corrupt their affair. That is because “al-khabāl” is corruption. Then He says, “They wish you would have hardship (‘anittum).” As-Suddi says, ‘They wish that you go astray from your religion.’ Ibn Jurayj says, They wish to cause you hardship in your religion so you would have to toil laboriously in it.” That is because the original meaning of “al-‘anat” is “to labor”. So it is as if He is informing of their love for what will put you into hardship. And Allah the Exalted has said [elsewhere], “...had Allah wished He would surely have placed you under hardship (la a‘natakum)” (2:220). In this ayat is an indication that it is not permissible to seek the aid of the ahl-udh-dhimmah in the affairs of the Muslims including general worldly affairs and as scribes.*³³

Similarly, when Abu Musa al-Ash'ari (may Allah be pleased with him) hired a Christian scribe 'Umar (may Allah be pleased with him) rebuffed him in the most severest manner. He was quite harsh in his tone with him. Thus, it is narrated from Abu Musa al-Ash'ari (may Allah be pleased with him), *“Umar (may Allah be pleased with him) commanded him send back to him [an account of] what he had taken and given in a single parchment.”*³⁴ *Abu Musa had a Christian scribe whom he had send this to him. So Umar (may Allah be pleased with him) was amazed and said, ‘This is indeed a Hafidh³⁵.’ and said, ‘Indeed, we have a record/book in the Masjid and when it was that he comes from ash-Shaam, call for him so that he may read [it].’ Abu Musa said, ‘It is not for him to enter the Masjid.’ So ‘Umar (may Allah be pleased with him) asked, ‘Is he in a state of ritual impurity (junub)?’. He replied, ‘No, in fact, he is a Christian.’ [Abu Musa continues the narration] So he reprimanded me and struck me on my thigh and said, ‘Send him off,’ and*

³³ Ahkaam al-Qur'aan (2:47)

³⁴ [Tr.: Presumably this is when he served as a governor under the Caliphate of 'Umar (may Allah be pleased with him).

³⁵ [Tr.: I was not sure whether this was meant to denote a memorizer of the Qur'an or just a treasurer who is reliable. It seems the latter in this context, given how 'Umar (may Allah be pleased with him) wished to employ him. It is similar to the description of Yusuf (upon him be peace) when being asked to be placed in charge of the treasury.]

³¹ Abu Ja'far Ahmed bin Muhammad at-Tahwī (238-321AH), originally studied under his uncle, al-Muzni (from the famous people of ash-Shāfi'i) but then moved to studies under the Hanafi school of thought. He resided in ash-Shaam then moved to Egypt. He is a famous as both a *Muhaddith* and a jurist and is most well-known for his compilation on creed, famous by his name *al-'Aqidah at-Tahāwīyah*. Other works include, *Sharh Ma'āni al-Āthār*, *Mushkil al-Āthār*, *Ikhtilāf al-Fuqahā*, *al-Mukhtaṣar fil-Fiqh* and others.

³² *Mushkil al-Āthār* (13:201).

recited, [ayat (3:118) cited above]. Abu Musa stated, 'By Allah, I did not take him as a close friend, he was only a scribe!' He replied, 'Did you not find anyone from the people of Islam who could act as a scribe for you? Do not bring them close to you when Allah has distanced them. Do not take them as trustees when Allah has declared them untrustworthy. Do not bestow honor on them after Allah has humiliated them, so send him off.'³⁶

There is no difference of opinion between the scholars on the matter that the position of leadership is not conferred upon a *kāfir*. Also, if *kufr* later enters upon the leader, his removal is obligatory and a Muslim leader should be installed in his place, one who rules by the legislation of Allah, the Exalted. This is precisely what is necessitated by the course of the *Sharī'ah*; one which calls for constricting *kufr* even literally on the walkways. For it commands them to compel them to take the narrowest passage, as stated by the Prophet (may Allah send prayers upon him and peace), "Do not initiate the greeting of Salaam with the Jews and the Christians. When you meet any one of them on the walkway, then compel them to take its narrowest part."³⁷

As for the statements of the master scholars with regards to the obligation of removing the ruler who is a *kāfir*, then these are to be found abundantly. There is the statement of the master scholar an-Nawawī³⁸ (may Allah be merciful with him), "Al-Qāḍī 'Iyyāḍ"³⁹ states: *the scholars have a consensus upon the issue that the Imāmah [leadership over the community of Muslims] is not conferred upon any kāfir. Also, if kufr enters upon him (while in office), he is disqualified. It is the same if he abandons the establishing of the five prayers and inviting to it...Al-Qāḍī also says: So if there enters upon him kufr and introduction of changes to the Islamic Sharī'ah or an innovation [in religion], he has exited from the legal right of al-wilāyah and his obedience has been suspended. Also it is obligatory upon the Muslims to rise up against him, and remove him and install a just leader if at all that is possible for them. Then if that cannot occur except through a certain*

group then it is obligatory upon them to rise up for the removal of the *kāfir*. That is not obligatory in the case of the innovator except when they think they possess power over him. But then, if inability [to do all this] is realized then the uprising is not obligatory. But the Muslims should migrate from his land to another and escape his 'deen'⁴⁰."⁴¹

The great scholar, al-Mulla 'Ali al-Qārī⁴² (may Allah be merciful with him), "...and they have a consensus upon this that the Imāmah is not conferred upon the *kāfir*, and *kufr* is to enter upon him [while in office] then he is disqualified, and such is the case if he abandons establishing the prayers and calling to it, and similarly with the case of innovation in the religion..."⁴³ He then proceeds to quote the statement of al-Qāḍī mentioned above.

The discourse of these master scholars implies two things. Firstly, that the disqualification of the ruler from *al-wilāyah* is achieved simply by *kufr* entering upon him. This means that the attribute of *al-wilāyah* legislated by the *Sharī'ah* has been stripped off of him with immediate effect by his acquiring that attribute and being involved in *al-kufr al-buwāh as-ṣarīh* [the act of clear and public disbelief]. So there remains absolutely nothing from the rights of *al-wilāyah* that had been owed to him: there is no oath of allegiance, no hearing nor obeying, any covenants cease to continue and the people are no longer bound by any promise. Thus the existence of forces, power, stability, facilitation of matters and institution of state from this *kāfir* ruler does not make him a legitimate authority to whom *al-wilāyah* is due. That is because the garment of reliable *al-wilāyah* has been stripped off from him by the occurrence of manifest *kufr*. This is what substantiates the articulations of the preceding scholars with words such as "disqualification" and "he has exited from the legal right of *al-wilāyah* and his obedience has been suspended". Hence, the *Imāmah* legislated by the *Sharī'ah* and *kufr* and cannot be combined in one person. And as *Imām* al-Haramayn states, "*Islam, that is the original position and what is held to (wal-'Isām)*. But then if the *Imām* slips from the religion,

³⁶ Reported by al-Bayhaqi with this wording. [Tr.: To be fair it may be argued that 'Umar himself (may Allah be pleased with him) kept a Christian slave, but this report is speaking about a position in government that itself allows privileged access to confidential information. Allah knows best.]

³⁷ Recorded by Ahmed, Muslim (these being his wording), Abu Dawood and at-Tirmidhi on the authority of Abu Hurayrah (may Allah be pleased with him).

³⁸ Abū Zakariyya Yahyā bin Sharaf an-Nawawī (631-676AH): a major scholar in the various Islamic sciences, especially hadith, and a key figure in Shāfi'ī jurisprudence. Most renowned now due to his commentary on *Sahīh Muslim*, the compilation of hadith on personal etiquette *Riyāḍ-ush-Ṣālihīn*, and the Forty Hadith known as *al-Arba' in an-Nawawī*, as well as many other fiqh works.

³⁹ Abul-Faḍl 'Iyyāḍ bin Mūsā bin 'Iyyāḍ, al-Qāḍī (476-544AH) was a scholar of the *maghrib* [western Islamic empire], an *Imām* of the ahl-ul-ḥadīth specializing as a Maliki jurist. He was appointed Qāḍī in Ceuta and then in Grenada (both in Spain). He even led a rebellion against the Almohads [Berber Muslim dynasty of North Africa] but lost and was banished to Tadmira and later Marakech. Amongst his most influential works are *al-Shifā' bi Ta'rif Huḡūq al-Muṣṭafā* (a work on *Sīrah*) and a commentary on *Sahīh Muslim*.

⁴⁰ [Tr.: The word *deen* not only means his religion, but in this context, it is understood as the ruler's legal system – for any legal system other than the religion of Allah is a religion in itself and goes with the belief that Allah's religion and laws are not sufficient for this person. Thus we find the word *deen* used in the *ayat* on the story of Yusuf, "... (Yusuf) was not allowed to take his brother (as prisoner) according to the *deen* of the king..." (12:76)]

⁴¹ *Sharh an-Nawawī 'alaa Muslim* [6:314]. [Tr: The actual hadith to which this is a commentary is quoted later which is the basis for this opinion.]

⁴² 'Ali bin (Sultan) Muhammad, Nūr-ud-Dīn al-Mulla al-Harawī al-Qārī (d. 1014AH), a Ḥanafī jurist and a main source of knowledge during his time. He has written numerous books, and it is said that he wrote a manuscript every year. Among his important works is *Mirqāt al-Mafātīḥ Sharḥ Mishkāt al-Maṣābīḥ*.

⁴³ *Mirqāt al-Mafātīḥ* (11/303)

one should not fear his removal, nor his position being lifted and neither his being cut off.”⁴⁴

This should clarify for you what many people that have been engaged in the *fitnah* of Western heritage – they are well-versed with its philosophy and are fascinated by its terminology – which describes one who removes the noose of Islam from his neck from amongst the *kāfir* rulers as the “head of state by law”, or that they have “come to this office through legitimate means”, or that they are “the legally recognized rulers”, etc. These are descriptions which allude to some status within the legal system for them. While all this time, this is precisely what has been stripped off of them and they have been disqualified from it from the moment that the great and clear act of *kufṛ* occurred.

Secondly, the difference between removal from office (*‘azl*) and disqualification (*in ‘izāl*) is that the former necessitates exertion, action and exercise of judicial effort from the side of the Muslims for dislodging the *kāfir* ruler from his position and distancing him from *al-wilāyah* so that he has no hand in its institution or facilities [*tasyīrihā*]. However, in the case of the latter [disqualification], one of its meanings is that the attribute of legitimacy of *wilāyah* for the *kāfir* holding this position of dominance is null and void. That implies that he can not be conceived as entitled to *wilāyah*, even the least, despite his liberality, might of force and stability. That is because that which is null and void in Islamic legal terms, is like something that we will perceive with our senses as not existing at all.

So this is precisely what is required when this legal null and void status or disqualification is arrived at in the case of the *kāfir* that is in office. And that is the obligation of rising up against him, his removal and installation of a leader for the Muslims that will stand in his place. It is what has been expressed by the master scholars, by their statement which we have quoted earlier, “...and it is obligatory upon the Muslims to rise up against him, and remove him and install a just leader...”. So this *Shar‘ī* ruling is based and warranted by the first matter (the falling of the ruler into *kufṛ*).

It is well-known that the master scholars have a consensus upon the obligation of installing a leader for the Muslims who would bring peace to their pathways, maintain their defenses and establish amongst them the rulings of nationhood. Just as the master scholar al-Qurṭubī⁴⁵, may Allah

be merciful with him, stated with regards to the statement of Allah the Exalted, “**And when your Lord said to the angels, ‘Of a surety, I am to place in the earth a successor (khalīfah).’...**” (2:30). He said: *This ayat is a basis for installing an Imām and successor (khalīfah) to whom listening and obedience would be owed, by virtue of who there will be unity in speech and the rulings of the khalīfah will be implemented. And there is no difference of opinion on the obligation of this within in the people, nor within the master scholar, except what has been narrated from the deaf [al-aṣamm] he has been deaf about the Sharī‘ah [haythu kāna ‘an ash-sharī‘ah aṣamm]. Similarly everyone who speaks by such a person’s statements, follows his opinions and his school of thought.*⁴⁶

This ruling is quite strict in the case that the office of *Imāmah* has been taken over by a *kāfir* ruler – and that is due to the magnitude of the corruption that follows as a result of his remaining in office and issuing rulings. So there is a difference between then the actual vacancy of the office of *Imāmah* due to the absence of anyone being in that position and when it is blocked up by a *kāfir* who is resisting against Allah and His Messenger. For surely, the harm of the second upon the Muslims is more severe and the corruption issuing from it is greater due to his calling the people towards *kufṛ*, through encouragement or intimidation, and due to his envy over what Allah has bestowed upon them out of His bounty, just as the Exalted has stated:

“Neither those who disbelieve from the People of the Scripture nor the polytheists wish that any good should be sent down to you from your Lord. But Allah selects for His mercy whom He wills, and Allah is the possessor of great bounty.” [2:105]

“Many of the People of the Scripture wish they could turn you back to *kufṛ* after you have believed, out of envy from themselves [even] after the truth has become clear to them. So pardon and overlook until Allah delivers His command. Indeed, Allah is over all things competent.” (2:109)

“They wish you would disbelieve as they disbelieved so you would be alike.” (4:89)

“If they gain dominance over you, they would be to you as enemies and extend against you their hands and their tongues with evil, and they wish you would disbelieve.” (60:2)

The basis of the consensus over the removal of the *kāfir* ruler is the hadith of the Prophet (may Allah send prayers upon him and peace). For it is reported on the authority of ‘Ubadah bin as-Sāmit (may Allah be pleased with him) who said, “We

⁴⁴ *Ghiyāth al-Umam* (1/75)

⁴⁵ Abū ‘Abdullah Muḥammad bin Aḥmed al-Anṣārī al-Qurṭubī (600-671 AH) was born in Cordoba (now in Spain). He started his studies there and participated in *Jihad* against the Christians, in the course of which he was captured but he managed to escape. After the downfall of Cordoba eventually, he traveled to the east and settled in Egypt, where he died. He specialized in the Maliki school of jurisprudence and his most renowned work is the tafseer, *Jami‘ al-Aḥkām al-Qur‘ān*, that is now famously known as *Tafsīr al-Qurṭubī*.

⁴⁶ *Tafsīr al-Qurṭubī* (1:264)

pledged an oath of allegiance to the Messenger of Allah (may Allah send prayers upon him and peace) for hearing and obeying [those placed in authority over us], whether it be in hard times or ease, in what invigorates or causes dislike, even in the face of any selfishness that transgresses upon us [i.e. violation of our rights for the sake of own objectives] and that we would not dispute this matter with its people [i.e. with the people in authority] except when 'you all observe a publicly apparent [act of] kufr and you possess with you an explicitly clear proof with regards to it'; and that we would speak [standing] by the truth, wherever we are, and that we would not fear 'the blame of a critic'⁴⁷ for the sake of Allah."⁴⁸

The master scholar ibn Hajar⁴⁹, may Allah be merciful with him, said, "And the gist of it is that he is disqualified due to the [act of] kufr, by consensus. So it is obligatory upon every Muslim to rise up against that. So whoever is mighty against it, then for him is reward. And whoever engages in flattery [of the kāfir ruler] then upon him is sin. And whoever does not have the capacity for it, then he must emigrate from that land."⁵⁰

Given this is the case, then we find that the *Shar'ī* ruling has, by the consensus of early and later scholars, settled upon the view that *al-wilāyah* is not conferred upon the *kāfir* – whichever type of *kāfir*. And if *kufr* that is clear and manifest enters upon the *Imām*, then it is obligatory to remove him and rebellion against him becomes incumbent. Those most expected to head the awakening of this obligation are the scholars. For they are the ones entrusted with the *Sharī'ah*; those commanded with making it manifestly clear and forbidden from its concealment and keeping secret. As Allah, the Exalted, has stated:

"And [mention, O Muhammad], when Allah took a covenant from those who were given the Scripture, [saying], 'You must make it clear to the people and not conceal it.'" [3:187]

And this religion can never be established except by those scholars who are propagators of the truth as it has been revealed; enjoining the good and

forbidding the evil and "not fearing the blame of a critic" for the sake of Allah. And that is why it has come in the wordings of the hadith of 'Ubadah bin as-Sāmit (may Allah be pleased with him) itself, the statement, "and that we would speak [standing] by the truth, wherever we are, and that we would not fear 'the blame of a critic' for the sake of Allah."

The scholars, may Allah be merciful with them, when they had affirmed this ruling and clarified it, know that the *kāfir* ruler whose *wilāyah* has been suspended due to his *kufr* possesses a party of people who would fight besides him and instigate support for him. Thus rebellion against him necessitates, without fail, fighting against everyone of those who stands in his defense and who has been appointed by him in order to preserve his authority and allow continuity of his rule. That is because, had the matter of removal pertained simply to changing of the ruler without spillage of blood or the "crackling" of fighting, then that would indeed be something easy. But when the scholars used the expression "it is obligatory for the Muslims to rise up against him", then this is while knowing full well that history, the state of affairs today and nature, all bear witness that the removal of a ruler in office and establishing another in his place without force, nor defense, nor fighting approximates to fantasy. From this, it follows that calling sacred the army or party of the ruler whose *wilāyah* has ceased due to *kufr* from being fought against is in fact misplaced sanctification. That is because it contributes to the suspension of the obligatory rule of the *Sharī'ah* based on the clear statement of the Prophet (may Allah send prayers upon him and peace) and the consensus of the scholars: the obligation of removing from office the *kāfir* ruler who is in authority and installing a Muslim leader in his place. And this clarifies that the speech of this party that presents in defense of this *kāfir* ruler the two testimonies, or his carrying out the pillars of Islam or even some of them or other than that from the symbols of Islam does not withhold anyone from expending effort in fighting him. For the scholars, may Allah be merciful with them, have linked the obligation of rebellion against the ruler with only his own *kufr* and did not place any condition of *kufr* for the party that fights alongside him. This is perceivable by virtue of the fact that the expansive corruption, widespread evil and great oppression that will encompass both the [affairs of one's] religion and the material world is more than enough due to his publicity and diffusion of the *kufr* of the ruler and his removal of the noose of Islam from his neck.

It is narrated on the authority of the wife of the Prophet (may Allah send prayers upon him and peace), Umm Salamah (may Allah be pleased with her), that the Prophet (may Allah send prayers upon him and peace) said, "It will indeed be the case that those in positions of authority will be employed against you. Then you will find some things agreeable and others disagreeable. So whosoever feels

⁴⁷ Quoting from the *ayat*: **O you who have believed, whoever of you should revert from his religion - Allah will bring forth [in place of them] a people He will love and who will love Him [who are] humble toward the believers, powerful against the kāfirin; they strive in the cause of Allah and do not fear the blame of a critic.** That is the favor of Allah; He bestows it upon whom He wills. And Allah is all-Encompassing and Knowing. [5:54]

⁴⁸ Reported by al-Bukhari, Muslim and others.

⁴⁹ al-Hāfiẓ Shihāb-ud-Dīn Ahmad bin 'Alī bin Muḥammad al-Kinānī al-'Asqalānī (773-852AH), the famous *muhaddith* and commentator on al-Bukhārī, was born in Egypt, but traveled all over the Islamic Empire in pursuit of knowledge of the various Islamic sciences. He authored more than 150 books, with his commentary *Fath al-Bārī* being the most renowned to date. He specialized in the Shāfi'ī school of thought. He became Qāḍī of Egypt, then ash-Shām was also added to his jurisdiction, which he held for more than twenty-one years. He would leave the office of Chief Qāḍī seven times including just before his death.

⁵⁰ *Fath al-Baari* (13:123)

hate, then he is indeed innocent; and whoever condemns, then he as indeed secured himself. [Not] however one who is pleased and follows in suit.” [The Companions] said, “O Messenger of Allah, should we not fight against them?” He replied, “No, so long as they pray.”⁵¹

We find that the defenders of such a *kāfir* ruler, whom the Muslims have been charged with his removal, do not restrict themselves to simply the absence of condemnation nor pleasure in the heart. No. They support him with their own souls. They fight alongside him with their weapons, protect his dominion with their own blood. They are his subjects, without doubt. Hence, under these circumstances, there is no place for debate over the Islam or *kufir* of these “fighters on behalf of the *kāfir* ruler” which the *Sharīʿah* has required the removal of. That is because, the speech of the *Sharīʿah* is focused upon a limited scope. It is a specific objective that has appeared and to which the people are bound to: the removal of this *kāfir* ruler who has been placed in authority over the Muslims and their countries. So whoever stands as an obstacle in the realization of this *Sharīʿah* objective, then he is part and parcel to the wrong that one is required to change and remove. And it is recognized that this obligation cannot possibly be realized except by fighting them. And something without which an obligation cannot be completed is an obligation.

On the authority of `Ā'ishah (may Allah be pleased with her) who said: *The Messenger of Allah (may Allah send prayers upon him and peace) was tossing and turning in his sleep. We said, ‘O Messenger of Allah, you were doing something in your sleep which you have not done before?’ So he replied, ‘It is amazing that indeed some people of my ummah would be heading towards the House [al-Ka’bah] in search of a person who would belong to the tribe of the Quraysh and he would have taken refuge in the House. When it is that they reach the plain ground, the earth would swallow all of them up.’ We said, ‘Allah's Messenger, all sorts of people crowd that path.’ He replied, ‘Yes, there would be amongst them people who would come with definite designs and those who would come under duress and there would be travelers also, but they would all be destroyed through one [stroke] of destruction. However, they would be issue forth in varying states – Allah would raise them according to their intention.*⁵²

The master scholar an-Nawawi states about this hadith: *This hadith contains the principle of distancing oneself from the people of oppression and a caution with regards to their gatherings and the gatherings of the rebellious and their likes from amongst the people of falsehood. For fear*

of being included in the end that they may meet with. Also in it is that whoever increases the numbers of an evil people [by simply being present in their gathering of oppression], then the ruling upon them will equally apply to him in the apparent consequences of this world.”⁵³

And it has also been reported that Abdullah bin Mas`ud (may Allah be pleased with him) has said, *“Whoever increases the numbers of an evil people then he is from them and whoever is pleased by the action of a people then he is an accomplice to them due to that.* This was reported by Abu Ya’laa.

Given that this is the [agreed] position settled upon [by the scholars], then it is also well-known that the succession of *kāfir* leaders ruling over Pakistan has continued. They have not increased it in anything of the religion of Allah except taking it further away from it. They have done nothing with respect to the ruling systems issuing from the people of *kufir* except bring them nearer to them. In every instance that a leader has come into power, he has cursed his predecessor, made promises to his people and indulged them in hopes; but “what does Satan promise them except deception?”⁵⁴ So this has increased her people in discontent upon discontent, and oppression upon oppression. And then the lands and the slaves have been distanced increasingly from the religion of Islam and its legal system, one thing after another until it has reached where it is today: in alliance with the enemies of Allah, an aide against His believing slaves and in an open battle against “those who order justice from amongst the people”⁵⁵. All of these crimes have been perpetrated upon the hands of her army and intelligence resources that have become a firm beating stick in support of the Cross and a police for the American world.

Given that the Muslims of Pakistan have been commanded by the *Sharīʿah* to remove and discharge these corrupt *kāfir* sinful rulers who continue in succession – then this cannot be executed nor realized except by fighting those who support them, defend them and strengthen their forces and act as a barrier between the Muslims and the realization of the Islamic obligation and these are their armies and intelligence resources. Nothing absolves them of this obligation except one thing: an incapacity that is actually realized [emphasis added]. It is by virtue of this that the obligation of the *Sharīʿah* is suspended as “Allah does not place a burden on any soul except according to its capacity”⁵⁶. Also – if this incapacity is

⁵³ Sharh an-Nawawi `alaa Muslim (7:18)

⁵⁴ Al-Qur’aan (17:64)

⁵⁵ Tr.: Quoting from the *ayat* of Aal `Imran, “Those who disbelieve in the signs of Allah and kill the prophets without right and kill those who order justice from among the people - give them tidings of a painful punishment.” (3:21)

⁵⁶ Tr.: Quoting from 2:286.

⁵¹ Sahih Muslim, Musnad Ahmed, Sunan Abi Dawood and others

⁵² Sahih Muslim and Musnad Ahmed

indeed to be realized – it is obligatory to make preparations for it as much as is possible, instigate the people for it, incite them to get ready for it and acquaint them with the reality of their leaders and their rulings.

As for the other pretexts that others bring forward, such as that this army is standing in support of our greater good and is offering this defense on behalf of our land, or that they are Muslims who utter the two testimonies, or that a majority of them execute the symbols of Islam such as prayer, fasting, pilgrimage, etc., then none of all these matters are considered by the *Shari'ah* as legitimately restricting against rebellion against the *kāfir* ruler who has besides him a supportive army who strengthen him and stabilize his rule. Should these pretexts be established, it would surely be that the responsibility placed upon us by the *Shari'ah* of executing the obligation of removal would be contradictory and excludes it. How is it that it commands us not to allow the *kuffār* a “right of way” over us, and obligates for us the removal of a *kāfir* ruler who is in a position of command and decrees upon us to install a Muslim ruler who would rule by the *Shari'ah*; then simultaneously forbids us from that when there is (factually or allegedly) a Muslim group defending against that? This is despite the fact that not one of the scholars has taken this opinion as far as we know. In fact, you have seen their statements on [this] issue and they do not make it a pre-requisite that one establish the *kufir* of the party who are with him. No: in fact they link this issue solely to *kufir* of the ruler. That is precisely what the ruling is anchored upon, around which the whole discussion is based. And Allah the Exalted is Most Knowing.

Also, this is based on the assumption that this party fighting alongside *kāfir* rulers does not go beyond the issue of solely providing military support to them. In the situation that we are in today, the issue has gone much further than that. These institutions have become a cornerstone in the politics of the nation as: its facilitators, a source of its legitimacy, supporters of its laws and systems, enforcers of it with might and compulsion of the people, torturers of anyone who strives – or even thinks of – rebellion against it or not paying heed to it, etc. Those are from the most critical matters for which these resources are directly established. Their laws and systems provide manifest textual support for this. To the extent that they (themselves and their persons) become sanctified objects: it is not possible to lay a finger on them, nor criticize or expose them.

So when the punishment of Allah, the Exalted, prevails over “*the one with deliberate designs, the compelled*” – one who is forced to do this against his liking – “*and the traveler*”, as was narrated about the army that would attack the *Ka'bah*, then what about when the people of this army are volunteering themselves and there is no conscription nor compulsion to

remain with it – as is the case of the Pakistan Army that has never compelled anyone to join it. It is stated in the Arabic Encyclopedia of the World⁵⁷, “...*The strength of the Pakistani armed forces is made up of its national army of 500,000 soldiers, along with this is a relatively smaller naval force and air force. All the individuals serving under the banner of the Pakistan Army are volunteers.*”

Let us assume that there are amongst them those who are compelled against their liking. Then indeed Allah the Glorified and Exalted – who is most knowing of what is in the hearts, who created man and knows what his soul whispers to him and is most able to bring down His punishment solely upon those “with deliberate designs” and intending this fight – decrees, in His wisdom, that *the punishment comes down on all of them – generally. Only following that does He choose to raise them on the Day of Judgement based on their intentions* [emphasis added]. So how is it possible for the *mujahidūn* that they differentiate between the compelled and the intending, the ignorant and the cognizant who are within this army that has perpetrated the major sin of defending against these *kāfir* rulers and their Western systems? No: in fact, the battle of these *mujahidūn* with this army and its likes is actually a form of the punishment that Allah is inflicting upon them, just as He the Glorified has said:

“...while we await for you that Allah will afflict you with punishment from Himself or at our hands? So wait; indeed we, along with you, are waiting.” [9:52]

And that is why the eminent scholar Abu al-Abbas⁵⁸, may Allah be merciful with him, has said: *Thus Allah, the Exalted, destroyed the army that intended to violate His sacred limits, both the compelled and those not compelled, while having ability to differentiate between them, despite the fact that he would resurrect them according to their intentions. So how can it be obliged for the believing mujahidoon that they should differentiate between the compelled and the others when they don't know that?! Nay, if they make the claim that they were brought out against their will, that*

⁵⁷ *al-Mowsoo'ah al-'Arabiyyah al-Aalamiyyah*

⁵⁸ Abul-'Abbās Aḥmad bin 'Abdul Ḥalīm bin 'Abdus-Salām bin Taymiyyah al-Harrānī (661-728) spent most of his life in Damascus and hailed from a scholarly family, grounded in the Ḥanbalī tradition. In the context of this discussion, it is important to mention that when the Tartar (Mongols – mentioned later on by Ibn Kathīr in relation to their *Yasāq*) that had overwhelmed 'Irāq threatened ash-Shām, the Governor of Damascus sent him to Sultan Nāṣir of the Mamluks in Egypt to rally support. He was successful and also actively participated in the battle against the Tartar invasion, resulting in their defeat. Many of the fatāwa quoted here relate to this context. The Sultan initially furnished him with great rank, and his fame grew. Ibn al-Qayyim, Ibn Rajab and to a lesser extent adh-Dhahabi and Ibn Kathīr are some of his famous students. However, rival jurists in the court submitted a petition against one of his rulings, and the Sultan was obliged to imprison him in Cairo where he eventually died. Prolific, writing even while in jail, he authored many works on jurisprudence and Islamic creed, almost all compiled in *Majmū' al-Fatāwa libni Taymiyyah*.

would not benefit him simply based on his claim. This is just as has been narrated that al-‘Abbas bin ‘Abdul Muṭṭalib said to the Prophet (may Allah send prayers upon him and peace) when he had been taken prisoner in the Battle of Badr, “O Allah’s Messenger, I had been compelled.” So he replied, “As for your apparent, then that was against us, and as for your hidden then we leave that to Allah.”⁵⁹ Nay, even if there is amongst them a righteous people from the choicest of people and it is not possible to kill them except by the killing of these – then they would indeed have to be killed as well. For indeed, the leading scholars are in agreement over the issue that the kuffār, if they take the Muslims as shields and they fear for the Muslims if they don’t kill them, then it is of course permissible to throw [arrows, spears, or any type of missile] at them while the intended target are the kuffār. And according to one of the statements of the scholars, even if we do not fear for the safety of the Muslims it is permissible to throw at those Muslims also.⁶⁰

So Allah, the Mighty and Majestic, had not excused whoever had remained in Makkah and had not migrated, in spite of his protesting that he had been weak and his claim that he had been brought out to Badr under compulsion. He made spilling their blood inconsequential and their last resort (and we take refuge with Allah from it) the Hellfire⁶¹. Then what is the case of these criminals who have voluntarily come out to fight the Muslims, and pursue every path to be included in this army with perfect volition and complete intention?

So ponder over the declaration of Allah, the Exalted:

“Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, ‘In what [condition] were you?’ They will say, ‘We were oppressed in the land.’ The angels will say, ‘Was not the earth of Allah spacious [enough] for you to emigrate therein?’ For those, their refuge is Hell - and evil it is as a destination.” (4:97)

The great scholar, Abu Bakar al-Jassas says, “*And this substantiates emigrating from the land of shirk to whichever land that has been from the lands of Islam. And it is reported from ibn ‘Abbas, ad-Dahaak, Qatadah and as-Suddi that this ayat was surely revealed about a group from the people of Makkah who stayed behind and did not emigrate, would show*

*affection to the polytheists and so a people from amongst them were killed at Badr on the assumption of apparent apostasy.”*⁶²

As for the current set-up of rulers of Pakistan, then this is the most severe of what has been seen, and most well-known of what has been known. That is the case even if we assume that nothing else was wrong with them except their entering into complete alliance and public support for the Christians in their occupation of Afghanistan; their aiding them in fighting the *Mujāhidin*, their imprisoning them while confessing that the *kuffār* punish and torture them;⁶³ their opening up the doors to aid in its battlegrounds right in front of an occupying enemy to the point that 80% of its military supplies, provisions, etc. come by way of Pakistan under the pretext of support for the Pakistan Army – even if it were nothing but this, then that is indeed quite sufficient. How is that the case, while their own covers that they dress themselves in are made up of patches upon patches?

You should be asking, while it has been about sixty years since the establishment of Pakistan, how many of the punishments of the *Sharī‘ah* has it enforced upon its people since that time?! Can it be comprehended how a nation that has engaged in three major wars and has an army of half a million, over sixty years, has been incapable from establishing the rulings of the *Sharī‘ah*, the one that does not rule and does not seek for rule except by the established *Sharī‘ah* of Allah. This, despite that (in contrast) the lawyers never ceased to go out marching in armies against installed rulers, the front pages were filled with calls for their *ṭāghūtī* laws to be passed and that they may be enforced upon the people? So, after that, can we accept their claims of “incapacity” except only as silliness?!

It is upon every person who is truthful to himself, ardently desirous of rule by the *Sharī‘ah* of his Lord, that he analyze the current state of affairs that

⁶² *Ahkaam ul-Qur‘an* (3:228)

⁶³ Tr.: Their apparent public outcry against these “crimes against human rights” is another issue which piles the explicit damning proof from the Qur‘an against them. Allah, the Knowing and Wise, mentions:

“And [recall, O Children of Isra‘il] when We took your solemn covenant, [saying], “Do not shed each other’s blood or evict one another from your homes.” Then you acknowledged [this] while you were witnessing. Then, you are those [same ones who are] killing one another and evicting a party of your people from their homes, cooperating against them in sin and aggression. And if they come to you as captives, you ransom them, although their eviction was forbidden to you. So do you believe in one part of the Scripture and disbelieve (do *kuf*r) in another part? Then what is the recompense for those who do that among you except disgrace in worldly life; and on the Day of Resurrection they will be sent back to the severest of punishment. And Allah is not unaware of what you do.” [2:84-85]

It is well-known (refer to *Tafsīr ibn Kathīr* on this *ayat*) that, before the advent of the Prophet (may Allah send prayers upon him and peace), the three tribes of the Jews in Madinah had divided such that one was with the Aws and the other two were with Khazraj in their civil war. They would “cooperate” with their polytheist allies honoring treaties with them, against those who Allah had made a treaty with them not to kill or exile. Then when their allies would capture them, they would free them on the pretext of being brothers. Another *kuf*r which Allah Himself has highlighted in His Book, openly imitated by the Government of Pakistan since 9/11.

⁵⁹ Tr.: Ibn Kathīr quotes this incident in his *Tafsīr* (4/92) with the chain: Yunus bin Bukair from Muhammad bin Ishaq from Yazeed bin Roomaan from ‘Urwah and from Az-Zuhri from a group whom he named with similar wordings.

⁶⁰ *Majmoo‘ al-Fataawa* (28/537)

⁶¹ Tr.: The manuscript with me has the word *janahhum* – I assume the author meant *jahannum*.

Pakistan is living through and the decline it has fallen into since its inception till this time of ours. Does he see this nation any closer to the religion of Allah, establishing its rules and ruling by its legal system? Or, is it that it does not approach it one day, except that that only increases its distance from it; and for its pursuers it has only enmity and resistance?

Where is the *lā ilāha ill-Allāh* which the claimers claim that Pakistan was established upon as its foundation and its purpose. And is the value of the words and only realization simply as letters that the *shayāṭīn* of the army use to decorate the walls of their barracks and centres: “*Imān, Taqwā and Jihād fī Sabīlillah*”? Then they negate it with *Imān in ṭāghūt, Taqwā* from the might of *kufṛ* and *Jihād* against the *Awliyā* of *ar-Raḥmān* where there is the pleasure of the *Awliyā* of *shayṭān*?

Of a surety, the religion of Allah the Exalted was not revealed to become symbols used to decorate the walls, buildings and billboards; nor to be slogans that are cried out in the streets; nor that they be sung in gatherings and houses. The *Sharīʿah* has come only to be something that supervises over all of life. Nothing in politics should be considered an exception to it; nor in economics, society, judiciary, communications or academics – not any field from the fields of life. If that is not the case, and if *lā ilāha ill-Allāh* and the meanings of the Islamic *Sharīʿah* are restricted to what some assume, then wouldn’t this have been much easier upon the messengers as a mission (upon them be prayers and peace). Those who went through every pain, bore every type of suffering, made enemies with both the near and the far, and due to that the faced rejection from both the mighty and weak. And what was all that for except that they understood that the matter required a complete revolution in the lifestyle which they had previously organized themselves around; and which had affection for what was expressed by their statement, “**Enough for us is what we found our forefathers upon,**” (5:104) and their statement, “**Nay, we will follow that which we found our fathers upon,**” (31:21)?

So these are the times that have passed away and how generations have succeeded each other. A time has not passed upon this nation except that it has broken a handhold from the handholds of Islam and that a knot from the knots of *kufṛ* has been tightened. It is almost as if the saying of the Prophet (may Allah send prayers upon him and peace) is about to be affirmed, “*The handholds of Islam will indeed be broken, one by one. Every time a handhold is broken, the people will cling to the next below it. So the first of them to be broken is [Islamic] rule, and the last of them is the prayer.*”⁶⁴

Allah, the Exalted, states: “***But no, by your Lord, they do not believe until they make you, [O Muhammad], judge (yuhakkimooka) in whatever they dispute they have among themselves and then do not find within themselves any type of discomfort from what you have judged and submit in [full, willing] submission.***” (4:65). ‘Allāmah Abu Bakar al-Jassas (may Allah be merciful with him) states, “*And in this ayat is an evidence for the view that whoever rejects anything from the commands of Allah, the Exalted, or the commands of His Messenger, may Allah send prayers upon him and peace, then he has left Islam. It is the same whether his apostasy is due to any doubt arising about it, or due to its rejection and withholding from willful submission. And that necessitates the soundness of the opinion of the Companions in their ruling that of apostasy upon whoever withheld from paying the Zakāt, killing them and taking as captives their children. That is because Allah, the Exalted, has ruled that whosoever does not submit to the Prophet’s (may Allah send prayers upon him and peace) judgment and ruling then he is not from the people of ‘Imaan.*”⁶⁵

So when it that these governments and their armies are incapable of following the Islamic *Sharīʿah* – as it is claimed and alleged – then why have they initiated their wars, brought together their forces and called out all of its resources to battle with those who call to ruling by the *Sharīʿah*, hunting them out, pursuing them and torturing them? Does it not become obligatory upon them – if they are truthful – to reinforce those who are calling for rule by the Islamic *Sharīʿah*, facilitate them on the path to realizing that target and battle against all those who stand in their way?

Then, today, they allege that they are allowing the *Mujahidīn* to go ahead with the implementation of the *Sharīʿah* in Swat – and we know that these are merely methods of deception and games – so this is a public acceptance of a number of things [enumerated as follows]:

1. For an extensive period of its history, Swat was not being ruled by the Islamic *Sharīʿah* – and this is a fact that is not possible to deny.
2. The barrier to the implementation of the *Sharīʿah* in Swat was the Government of Pakistan itself. It was the one that had been holding it back and now it is the one that claims today that it has “allowed” them “to go ahead” with its implementation.
3. Its fight with the *Mujahideen* for a long period of history had been due to “their prevention” from the implementation of the Islamic *Sharīʿah*. That is, that the Government of Pakistan – using its army and forces – was fighting the Muslims of Swat and destroying their houses and displacing its people because they were endeavoring to

⁶⁴ Ahmed, ibn Hibban, Tabrani, al-Hakim and others from Abu Umaamah (may Allah be pleased with him)

⁶⁵ *Ahkaam-ul-Qur’aan* (3:181)

implement the Islamic *Sharī`ah*. They were refusing that, preventing it and fighting it until that objective was not realized.

4. Their claim that they are going to allow Swat to be ruled by the Islamic *Sharī`ah* is an acknowledgement that the remainder of Pakistan is not being governed by the *Sharī`ah*. That Swat has been made an exception from the general established rule in Pakistan: the contemptible laws that are in place and their curse-worthy *taghooti* [leading in transgression against Allah] rulings.
5. The Government of Pakistan is capable of implementing the *Sharī`ah* if it wants – but it refuses to do so and persists with that and fights in order to prevent the people from ruling by the Islamic *Sharī`ah*. That her army has only been developed, established and its foundation is not for the establishment of the *Sharī`ah* (as they claim) but rather for its prevention. It will not lend support to those endeavoring for its implementation but rather it will fight them; not for the removal of the ruling of *Jahiliyyah* but rather to solidify it and fight alongside it. The words of the scholars, old and new, with regards to one who rules and legislates by other than Allah and by other than his *Sharī`ah* are well-known and famous.

It is due to that we have the statement of ibn Kathīr (may Allah be merciful with him) in his *tafsīr* of the declaration of Allah, the Exalted, **“Do they then seek the rule of Jahiliyyah? And who is more better than Allah, in terms of rule, for a people who believe with conviction?” (5:50):** *The Exalted One renounces anyone who exits from the rule of Allāh which has been set up internally coherent (al-muḥkam), inclusive of all good, prohibitive of all evil; one who deviates and goes to those other than Him: opinions, desires and terminology that have been set up by men without any connection to the Sharī`ah of Allāh. The people of the Jāhiliyyah [pre-Islamic ignorance] ruled on the basis of strayed paths and ways of ignorance from what they had arrived at based on their own opinions and whimsical desires. This is also precisely the way the Tartars rule – in the politics of their kingdom derived from their king, Genghis Khan: the one who has enforced on them the ‘Yasāq’. It essentially represents the sum total of rulings that have been borrowed from various legal systems: the Jewish, Christian and the Nation of Islam. Additionally, in it are many rules derived merely from his own philosophy and whims. Thus, for his sons, it has become for his sons a legal system to be complied with. They give precedence to it over the ruling by the Book of Allah and the Sunnah of His Messenger (may Allah send prayers upon him and peace). Whosoever does that from amongst them then he is a kāfir, the fighting of who is obligatory – until he returns to the rule of Allah and His Messenger (may Allah send prayers*

*upon him and peace). It is the same whether he rules by it a little or a lot.*⁶⁶ After mentioning some examples of laws contained in the Yasāq that had been enforced by Genghis Khan, he (may Allah be merciful with him) states: *In all of that is opposition to the legal systems of Allah that had been revealed upon His slaves, the Prophets (upon them be prayers and peace). So whoever abandons the muḥkam Sharī`ah sent down upon Muḥammad the son of `Abdullah, the Seal of the Prophets, and rules by other than him from abrogated legal systems has committed kufr. Then what is the case of the one who rules by the Yāsāq and prefers it over [the rule of Allah]? Whoever does that has committed kufr, by the consensus of the Muslims.*⁶⁷

And the eminent scholar Ahmed Shakir⁶⁸, may Allah be merciful with him, states: *Indeed, the matter with regards to these enforced laws is as clear as the clarity of the sun [i.e. as clear as daylight]. That is kufr buwāh (open kufr)- there is no mystery in it nor any sense of indirectness. And there is no excuse in it for anyone who declares his association with Islam yet is one who has been acting by them [these enforced laws], has yielded to them or has affirmed them. So a person should fear for himself – and every person is accountable for himself. So should it not be that the scholars spread the truth without being cowards; that they propagate what they have been commanded to propagate without holding back anything [for later] nor falling short?*⁶⁹

Hence, every person should ask himself: are the laws that are in currency these days and the government in Pakistan, laws of the Islamic *Sharī`ah* – whether that is politics, economics, military, penal laws, state affairs, etc? If these are not the rulings of Islam, nor its laws, then what are they? Where have they come from and how have they been enforced upon the people? And who are those that oblige them, rule by them and bind by them? And why has the *Sharī`ah* of *ar-Raḥmān* thrown to one’s back and why has the *Sharī`ah* of *ash-shaytān* been pleasing? Given the state of affairs that is observed, it is the good who will respond to all these questions, and Allah is ultimately the One from who aid is sought.

Herein is a reality that many of those who accept the issue of rebellion against the *kāfir* ruler are heedless about and that consensus has occurred on the issue that *al-wilāyah* is not conferred upon him and that he is not

⁶⁶ *Tafsir ibn Kathir* 3:131

⁶⁷ *al-Bidaayah and an-Nihaayah* (13:139)

⁶⁸ Ahmad bin Muḥammad Shākir (1309-1377AH/ 1892-1958CE) was born in Cairo, Egypt. His teachers include his father, Muḥammad Shākir, Muḥammad bin al-Amin ash-Shinqīṭi and Jamāl al-Dīn al-Qāsim. Renowned for his critical ability in hadith, amongst his important works are his verified (incomplete) edition of *Musnad Ahmad* and *Tafsīr at-Tabarī*, with short commentary and grading of the ahadith.

⁶⁹ *Umdat-ut-Tafsir* (4/174)

entitled to it under any circumstances. And that is that the matter for us in our time is the same, whether we speak about Pakistan or other than her. It is not an apostasy of a ruler that has arisen by simply because of his perpetrating one of the specific things that invalidates Islam, such as his denying the obligation of prayer, or his considering wine [or “the intoxicant” (al-khamr)] *halaal*, etc. It is only that these nations have become by their complete appearance, personality and nature established upon the principles of *kufr*, foundations of apostasy and insurgency against the truth, throwing to their backs the fundamental principle of submission to the *Sharī`ah*, of giving all ears to its rulings and apparent positions [in law]. And due to that they see themselves not affected by having gone into a way that is calling for transgression [against Allah - *dhihaab taaghiyah*] and coming from some other place. In fact, the nation is as it is, by its constitution (its *Yasaaq*), its agencies, its resources, its laws, its systems and whatever has been achieved from it of modifications or the “liberalizations” that some are quite happy with. So this has not left from the democratic framework that everyone adheres to. Nay, is that not subservience to the constitution and honoring the democratic systems which is not accomplished by Islam by keeping with it, whether closely or from a far? Thus the command of the decreed *Sharī`ah* is not solely concerned with rebellion against a single ruler who has committed apostasy due to suspending it. It is only by uprooting this whole *Jahili Taghooti* system whose proximity has struck the Muslim organizations who have fallen under it and sunk into its depths, and by striving for the recovery of the nation as a whole to submission to Islam, subjugation to its rulings, acceptance of its leaders, authorities and ascendancy. There is no escaping the fact that the *Mujahideen* must comprehend this matter with the most complete perception, and must fathom the depths of its understanding. And that is that their struggle in today is not restricted to simply “rebellion against the *kāfir* ruler”, but that is a rebellion against the *kāfir* system, laws, rule and process of legislation which is completely in insurgency against the religion of Allah, its process of legislation and its rulings – to dislodge it and to disband it from its rightful place. And Allah, the Exalted, knows best.

2. The Pakistan Army taking the form of a group (*ṭa`īfah*) that holds back (*mumtani`ah*) from many of the manifest (*ẓāhir*) and *mutawātir* legislations of Islam

The punishments that have been sanctioned by the *Sharī`ah* are of two types:

1. *Punishment of those over whom one has control:* These are those that are under the authority of the ruler, he is able to execute

judgment over them and its implementation is through the fulfillment of obligations and rights. These punishments that are executed through him are in accordance with what has come clearly and with textual evidences in the *Sharī`ah*. It is either by the establishment of the *ḥad* with respect to that which has been legislated from the *ḥudūd*, or by *ta`zīrāt* where there is no specified *hadd* or compensation.

2. *Punishment of a group holding back (aṭ-ṭa`īfat al-mumtani`ah) with weapons and force:* That is every group that abstains from fulfilling any of the obligations, or colludes to carrying out any of the forbidden actions and in addition to that comes with weapons and force to execute or support it. So it is not possible to achieve compliance except by fighting them. It is obligatory to fight these type of groups, as is agreed upon by the scholars, until or unless the fulfillment of the obligation is not complied with and the forbidden action is not abstained from.

This is just as the eminent scholar Abul-`Abbas (may Allah be merciful with him) states: *The punishments that the Sharī`ah has come with are of two types: (i) the punishment of the one whom one has power over, from a single person to a limited number (as discussed earlier); and (ii) the punishment of a group holding back (aṭ-ṭa`īfat al-mumtani`ah), such as the one that cannot be gained control over except by fighting. The original case of this is the jihād against the kuffār, the enemies of Allah and His Messenger. So to whomsoever has reached the call of the Messenger of Allah (may Allah send prayers upon him and peace) to the religion of Allah that he was commissioned with and he did not respond to it, then it is obligatory to fight him “until there is no fitnah”⁷⁰ and the dīn⁷¹, all of it, is for Allah.”⁷²*

⁷⁰ Tr.: The author quotes an commentary of this term later

⁷¹ Tr: Also, *dīn* is a more comprehensive word than religion (defined in one dictionary simply as “collection of beliefs about the origins of man and universe”). *Dīn* carries within it an understanding of what is right and wrong and also how good and bad are to be recompensed, both in this world and the next. Hence, it comes in Surat Yusuf, that Yusuf was not allowed to take his brother as a slave according to the “*dīn*” of the king, i.e. the legal system implemented by the king on his subjects. Also, that is why the Day of Judgment is called *Yawm-ud-Dīn* as it is the day on which recompense for deeds will be meted out. It would be fairer to include in the definition “a system of value judgments according to which life is regulated”.

⁷² Tr: This is the injunction to fight until as specified in the Qur`an (8:39). Note that this is at the group level and not the individual. The objective is to ensure that the global social system (*dīn*) be for Allah, and that the *kuffār* should not be in a position where they are spreading confusion and lies and testing the *dīn* of the Muslims (*fitnah*). Ensuring control of media seems within this injunction. That is why Allah, the Mighty and Wise, states that *fitnah* is more severe than *qatl* (2:191). The *āyah* on “no compulsion in the *dīn*” seems, therefore, to relate to the personal choice to accept or reject Islam. Those not threatening Muslims (*fitnah*) or their call (*dīn*) seem exempted by this and other *āyāt* e.g. 60:8. Hence, for example, a Christian *dhimmi* is not forced to pray or fast as they have not chosen this system of personal law.

The discussion here concerns the second type of punishment: the punishment of *aṭ-ṭa'ifāt al-mumtani'ah*⁷³ – for example, holding back from offering prayers or *zakāt*, or engages in *ribā* (interest), sheds blood that is forbidden, broadcasts lewd acts, aids the *kuffār* against the Muslims, ruling by other than what Allah has revealed, or anything else from the obligations. So every kind of “group” that resists any of these above-mentioned items, then it is obligatory to fight them as per the consensus of the scholars, until or unless it complies with what it was resisting against. There are numerous evidences for this from the Book of Allah, the Sunnah of His Messenger and the consensus of the Companions (may Allah be pleased with them), and scholars after them.

This includes the statement of Allah, the Exalted:

“And fight them until there is no fitnah and the deen, all of it, is for Allah. Then if they desist, then indeed Allah is, of what they do, Most Perceptive.”⁷⁴ (8:39)

So when it is that some of the *dīn* is for Allah and some of it is for other than Allah, then of a surety, fighting is obligatory until the *dīn*, all of it, is for Allah. The *Allāmah* Abū Bakr al-Jaṣṣāṣ (may Allah be merciful with him) states, “*Ibn Abbas and al-Ḥasan [al-Baṣrī] said, ‘Until there is no Shirk.’ Muḥammad bin Ishāq said, ‘Until the believer is not tried with respect to his religion.’ And in this context, it is permissible to interpret ‘al-fitnah’ as al-kufr and also permissible to interpret it as rebellion and corruption. That is because, al-kufr has only been named as a fitnah due to its corrupting features. Hence, the ayat embodies fighting against al-kufr and the rebels: the people who jest (with the religion) and cause corruption. And it also obligates the fighting of a militant rebellion.*”⁷⁵

We know without a shadow of doubt that the *dīn* in Pakistan is not completely for Allah. In fact, the current that the “legislators” have made to flow through its systems, laws and rulings that are in place and enforced upon the people is one that is only *kāfir* and corruptive. They make a *sunnah* whatever they wish from the rulings, and the legislation is subject to their whims and desires. Their state of affairs has remained that of division of rule (and we take refuge with Allah) between themselves and Allah; they select whatever they wish from it and reject what they are not pleased with. This the state of those about whom Allah said, **“And they**

assign to Allah from that which He created of crops and livestock a share and say, ‘This is for Allah,’ by their claim, ‘and this is for our partners [associated with Him].’ But what is for their ‘partners’ does not reach Allah, while what is for Allah - this reaches their ‘partners’. Evil is that which they rule.” (6:136)

Indeed, the Prophet (may Allah send prayers upon him and peace) says that Allah states: “*I am the most free from amongst the ‘partners’ from the need for having partners associated. Whosoever commits an act while associating in it with Me anyone other than me, I abandon it and that association.*”⁷⁶

We surely know without doubt that these governments, their armies and all their apparatus are precisely what are preventing that the *dīn*, all of it, be for Allah. These are the ones who have split it into different parts, dividing them out as they wish. So they accept from it what they like and they reject what they dislike and thus enter into it only in pieces. Hence, they are those against whom fighting is obligatory until there is no *fitnah* and the *dīn* all of it is for Allah.

It is the declaration of Allah, **“O you who have believed, fear Allah and give up what remains [due to you] of interest, if you should be believers. And if you do not, then be informed of a war [against you] from Allah and His Messenger. But if you repent, you may have your principal - [thus] you do no wrong, nor are you wronged.” (2:278-279)**

Allāmah al-Khaazin⁷⁷ has said about this āyat: *The Ahl-ul-Ma`ānī (People of Insight) have said: the war of Allah is Hellfire and the war of His Messenger is the sword. They differed with regards to [the ruling on] the war. So it was said that what was intended was to intensify the warning and caution and not war itself. And it was also said that what was intended was indeed war itself. That is that whoever persists in consuming ribā and the Imām learns of that, he captures him and executes upon him the rule of Allah whether that be from the ta`zīr or imprisonment until repentance appears from him. And if the consumer of ribā is one with forces and an army then the Imām battles him just as he battles the rebelling army. Ibn `Abbās said, ‘Whoever has been persistent in consuming ribā and does not desist from that, then it is the obligation of the Imām of the Muslims that he seek from him the abandonment of this*

⁷³ Tr: According to Al-Mawrid English to Arabic dictionary, *imtana`ah* has the meanings “to abstain from, refrain from, keep from, desist from, halt, ..., give up, ..., leave off”. No single word fits perfectly all contexts it is used in this text. So, “resist” has also been used; as some contexts imply use of force.

⁷⁴ [Tr. Refer back to footnotes # 70-71 for comments on the translation of ‘fitnah’ and ‘deen’]

⁷⁵ *Ahkaam ul-Qur’aan* (3:65)

⁷⁶ Muslim and ibn Majah

⁷⁷ Abul Hasan `Ali bin Muhammad ash-Shayhi (678-741 A.H.), renowned by the title of “al-Khaazin” due to his being a trustee of the library in Damascus. He was originally from Aleppo but was born in Baghdaad, prior to residence in Damascus. Many works are attributed to him such as *Maqbool al-Manqool* (hadith) and his tafsir *Al-Baah at-Ta`weel fi Ma`aani at-Tanzeel* which uses *Tafseer al-Baghawi* as a formative text adding to it historical accounts.

sin. But then if he disputes the matter and continues then there is nothing but to strike his neck [i.e., execute him]”.⁷⁸ So you see once again that there is a difference between the two types of punishments, one for whom one has control over and one for those resisting with forces.

Of course, even the master scholar, Abu Bakar al-Jaṣṣāṣ, has similarly discussed this *ayat*, but in much detail, and has clarified the matter in a most complete way. From what he has said (may Allah be merciful with him) is: *And the Exalted’s statement, “...then be informed of a war from Allah and His Messenger...” is news from Him about the severity of this disobedience of his and that he deserves that a war be fought against him, even if he is not a kāfir and has just been resisting against the Imām. If he has not been resisting against the Imām, then the Imām punishes him in proportion to what he deserves of the ta’zīr and deterrence. Similarly, it is most appropriate that the ruling with regards to all types of disobedience, those which Allah has cautioned against with punishments, that when a human persists in them and is public with them and if he is resisting (kāna mumtanī’an) then he is to be battled with: him and his followers. They are to be fought until they desist. And if they are not holding back (kānū ghayra mumtanī’in), then the Imām punishes them in proportion to what he sees appropriate from the possible punishments. Similar to this is the ruling about one who usurps the property of people, including those who use authority for oppression and the extorters of taxes, it is obligatory upon every Muslim to fight them and to kill them if they have been resisting. These are more serious crimes than the consumer of ribā, due to their infringement of the sanctity of the forbidding order and the sanctity of the Muslims as a whole. The consumer of ribā is only in infringement of the sanctity of Allah, the Exalted, in his taking of interest and is not infringing upon the one who gave that to him (as he has [entered the contract and] given it by his own choice). The extorters of taxes are, in a sense, looters on the highways: infringing both the sanctity of Allah the Exalted’s prohibition and that of the Muslims, as they are extorting this by coercion and compulsion. This is without any unnecessary interpretation or doubt. Thus it is permissible for whoever from the Muslims learns about their persistence upon what they are doing (such as, usurpation of the wealth of the people by way of taxes) that they fight them however it be possible to fight them. The same is for their followers and helpers by virtue of whom they are established in a position to usurp this wealth... So, the one determined upon consuming interest: if he is one who considers it halāl, then he is a kāfir; and if he is resisting using a group for reinforcement, then the Imām does with them as he does with the apostates*

- even though prior to that they were generally to be considered people of the nation (millah) [of Islam]. If they acknowledge its being forbidden and commit it while not considering it halāl, the Imām still fights them if they are resisting [militarily] until or unless they return [to obedience]. If they are not resisting [militarily], he punishes them either by beating or imprisonment until they desist.”⁷⁹

The master scholar Malik⁸⁰ has stated (may Allah be merciful with him): *With us, the rule is that anyone who refuses (man`ā) any obligation from the obligations of Allah, the Mighty and Majestic, and then the Muslims are unable to obtain it, then it is due from them that they do Jihad against him until they obtain it from him.*⁸¹

The Exalted One has stated:

“And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give Zakāt, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.” (9:5)

So, indeed, Allah (Glorified be He) commanded His believing slaves in this *ayat* to kill the polytheists wherever they are found and not to stop from killing them except if they do *tawbah* [lit. “return”] (and that is their entering into Islam) and their establishing the prayer and their paying the Zakāt, and that is their compliance with its manifest symbols (*sh`ā’ir*). Whether they pertain to the rights of Allah or to the rights of the slaves, that is the same [in terms of being the manifest symbols of Islam]. But if they resist that with their weapons and forces, they will not be held back from and neither will the fight against them stop.

Imām ibn Kathir (may Allah be merciful with him) states with respect to this *āyat*: *...And that is why as-Siddeeq [Abu Bakar] (may Allah be pleased with him) relied upon this noble ayat in fighting those who withheld the Zakāt, and its likes, whereby fighting them is forbidden on the condition that these actions are carried out and they are: entering into Islam and establishing its obligations. And He has stressed the one that is higher before the one that*

⁷⁹ *Ahkaam-ul-Qur’aan* (1/572)

⁸⁰ Mālik bin Anas bin Mālik bin `Āmir (93-179AH), the *Imām* for the Māliki school of thought. He remained in Madīnah all his life, and took knowledge from the great scholars of the Prophet’s City. The famous statement attributed to Mālik is, “I did not start giving *fatwā* until after 70 of the scholars of Madīnah bore witness that I was qualified for that.” Besides the emphasis on rulings based on Prophetic narrations, a distinctive feature of his juristic exercise was to follow the consensus of the People of Madīnah. Hence, his most famous work *al-Mu’aṭṭa* is a compilation of narrations and opinions and is amongst the earliest books gathering together the hadith.

⁸¹ *al-Mu’aṭṭa* (2/3809)

⁷⁸ *Tafsir al-Khaazin* (1/312)

was lower, for the most honorable of pillars after the testimony is the prayer, that which is the right of Allah (Mighty and Majestic). After that is the payment of the *Zakāt*, that which is the benefit that transfers to the poor and the needy. So it is the most honorable of actions pertaining to the [rights of] creation. That is why, on many occasions, Allah has accompanied [the mention of] the prayer with the *Zakāt*. And the hadith has come in the two most authentic works, on the authority of ibn `Umar (may Allah be pleased with them both), on the authority of the Messenger of Allah (may Allah send prayers upon him and peace) that he said, 'I have been commanded to fight the people until they testify that there is no deity except Allah and that Muhammad is the Messenger of Allah, and establish the prayer and pay the *Zakāt*'.⁸²

The great scholar, as-Sa`di, states (may Allah be merciful with him): *In this ayah there is evidence that one who resists from offering the prayer and paying the Zakāt, then he should be fought until he offers them both, as was argued based on this by Abu Bakar as-Siddeeq (may Allah be pleased with him).*⁸³

And in proximity of this ayat we also have His statement (may He be Glorified):

"But if they repent, establish prayer, and give *Zakāt*, then they are your brothers in religion; and We detail the verses for a people who know." (9:11)

As for the Sunnah, then we have the statement of the Prophet (may Allah send prayers upon him and peace): *I have been commanded to fight the people until they bear witness that there is no deity except Allah, and that I am the Messenger of Allah. So, when they say that, they have protected from me their blood and their wealth, except by what is the right upon them. And holding them to account is upon Allah.*⁸⁴

And, of course, the Companions (may Allah be pleased with him) are agreed upon the fighting with one who withholds from payment of the *Zakāt*, in spite of their utterance of the two testimonies, and their adhering to all the other pillars of Islam, like the prayer, fasting and pilgrimage. The only doubt that arose was with `Umar, in the initial stages, but after his simple debate with Abu Bakar (may Allah the Exalted be pleased with him), the truth of the matter became apparent to him. Thus, he towed this line. Their words put into effect, while following Abu Bakar (may Allah be pleased with him) with regards to their killing them and considering *halāl* their blood. That was

until they made them return to the payment of the *Zakāt*. This became one of the greatest virtues of Abu Bakar (may Allah be pleased with him) until `Ali bin Abi Taalib stated, may Allah be pleased with him, "*Had it not been for Abu Bakar as-Siddiq, indeed Islam would have left.*"⁸⁵

Thus, we have on the authority of Abu Hurayrah (may Allah be pleased with him) the statement: *When the Prophet (may Allah send prayers upon him and peace) passed away, and Abu Bakar came in succession and those from the `Arab who committed kufr committed kufr, then `Umar stated: O Abu Bakar, how come you will fight the people and the Messenger of Allah (may Allah send prayers upon him and peace) stated, 'I have been commanded to fight the people until they say La ilaha illa Allah, so whosoever says La ilaha illa Allah, he protects from me his money and his soul, except for its right and holding him to account is upon Allah.' Abu Bakr said, 'No, by Allah, I shall surely fight anyone who differentiates between the prayer and the Zakāt, for the Zakāt is the right of the money. By Allah, if they will even withhold from me a young she-goat that they would pay to the Messenger of Allah (may Allah send prayers upon him and peace), I would surely fight them due to their withholding it.' Umar stated: So, by Allah, it was nothing except that I observed that Allah had indeed expanded the breast of Abu Bakar for the fight, and I came to know full well that that was the truth.*⁸⁶

Imām an-Nawawī, may Allah be merciful with him, said about the benefits to be derived from this hadith: *In this we find the obligation to fight one who withholds from the Zakāt or from the Salāt, or other than that from the obligations of Islam, whether that is little or a lot, due to the his statement (may Allah be pleased with him) 'had the even withheld from me a rope to tie a camel' or 'a young she-goat'.*⁸⁷

And the statements of the scholars and leaders in knowledge are abundant and famous with regards to the obligation of fighting any group that withholds from the *Sharī`ah* even one of the apparent legislations of Islam. They are in agreement upon that, without any difference of opinion amongst hem. We have already quoted earlier from some of the speech of the master scholar, Abu Bakar al-Jassaas and others.

The master scholar, ibn al-`Arabi⁸⁸ (may Allah be merciful with him): *Thus, the leading scholars have indeed reached agreement that whoever commits an*

⁸⁵ Tr: No citation was provided by the author for this statement, neither was one found. Allah knows best.

⁸⁶ Agreed upon.

⁸⁷ *Sharh an-Nawawi `alaa Muslim* (1:212)

⁸⁸ Abu Bakar Muhammad bin Abdullah al-M`aafari (ibn al-`Arabi) (468-543 A.H.) an *Imām* from the *Imāms* of the Malikis. His early education was in Andalus and but then traveled in the East with his father (a scholar) and took from scholars such as al-Khawlani, al-Khal`i, Abu Nasr al-Maqdasi, Abu Sa`eed az-Zanjaani and Abu Hamid al-Ghazzali, al-Qadi `Iyad and as-Suhayli. Amongst his famous numerous writings

⁸² *Tafsir ibn Kathir* (4/111)

⁸³ *Tafsir as-Sa`di* (1/329)

⁸⁴ Agreed upon by al-Bukhari and Muslim and this is on the authority of Abu Hurayrah (may Allah be pleased with him)

act of disobedience will be fought, for example if the people of a region agree on working with interest, or on the abandonment of the Friday prayer or the congregational prayers.⁸⁹

The great scholar ibn Battaal⁹⁰ (may Allah be merciful with him) states, while differentiating between the one within control and the one who resists: *Al-Muhallab*⁹¹ says: Whoever rejects taking on the obligations then the ruling on him varies: so whoever rejects the payment of Zakāt while he accepts its obligation, then if he is in the midst of the Muslims and he does not set up a battle and does not resist with the sword, then it will be taken from his wealth by compulsion and diverted to the needy and he will not be killed. [After quoting Malik's opinion cited above on p.38 he says:] And it means that is when he acknowledges its obligation. There is no difference with regards to that. And al-Muhallab says, 'Abu Bakar as-Siddiq only fought the ones who withheld the Zakāt because they resisted with the sword and set up for battle with the ummah. And there is a consensus of the scholars that whosoever sets up for battle to resist an obligation, or resists from a right he owes to another man, then it is obligatory to fight him, and if he is killed in the process then his blood will be of no consequence.⁹²

And, indeed, the statements of the leading scholars have been massively and continuously transmitted, may Allah be merciful with them, in recording the consensus of the scholars in fighting anyone who rejects compliance with any obligation from the obligations of Allah that are apparent, and resists it with weapons. It is just like 'Allāmah al-Badar al-'Aynī al-Hanafī⁹³ (may Allah be merciful with him) states, "And the scholars have a consensus upon this that whosoever sets up for battle in resisting an obligation or a right that he owes to a fellow human being, it is obligatory to fight him and if he himself is killed in the process then his blood will be of no consequence."⁹⁴

are, *Kitaab ul Khilaafiyat, al-Mahsool fi Usool-il-Fiqh, 'Aaridhat al-Ahwadhi fi Sharh at-Tirmidhi and Ahkaam-ul-Qur'aan*.

⁸⁹ *Ahkaam-ul-Qur'aan libni al-'Arabi*

⁹⁰ 'Ali bin Khalf bin Abdul Melik ibn Battaal (d. 449 AH) a scholar of hadith from Cordoba, most renowned for his explanation of the *Sahih al-Bukhari*

⁹¹ Al-Muhallab bin Ahmed al-Asadi (d. 435 A.H.) – another writer of a commentary on *Sahih al-Bukhari*. He was from Andalus.

⁹² *Sharh Saheeh al-Bukhari libni Battaal* (8/576).

⁹³ Mahmood bin Ahmed, Abu Muhammad, Badar-ud-Din al-'Ayni al-Hanafī (762-855 A.H.). A historian, scholar and major scholar in the area of hadith. Originally from Aleppo, and stayed also in Egypt, Damascus and al-Quds. He was master at the Cairo prison, a Hanafī judge, and inspector of the prisons. He has numerous works, most famous of which is his commentary on *Sahih al-Bukhari* 'Umdat-ul-Qaari fi Sharh al-Bukhari.

⁹⁴ 'Umdatul-Qāri (34/410)

The master scholar Abul-'Abbas states (may Allah be merciful with him): *Every group that resists against a legislation from the apparent and well-known legislations of Islam, it is obligatory to fight them – even if they utter the testimony – for example, if they do not pray, or pay Zakāt, or fast or do not perform Hajj, or say, 'We will do this and we will not abandon al-khamar (wine) or zinā or ribā or illicit acts of lewdness,' or, 'We will not fight Jihād,' or, 'We will not enforce the jizyah upon the ahl-udh-dhimmah' or matters of this like. Them, they will be fought until the religion is all for Allah.*⁹⁵ And he also stated: *Every group that exits from the massively and continuously transmitted Islamic Sharī'ah pertaining to the outward actions, then it is obligatory to fight it by the consensus of the Muslims, even if they utter the two testimonies. Thus, if they affirm the two testimonies and then withhold from the five prayers, it is obligatory to fight them until they pray. And if they withhold from the Zakāt then it is obligatory to fight them until they pay the Zakāt. The same is the case if they withhold from fasting in the month of Ramadan or pilgrimage to the Ancient House [the Ka'bah], or withhold from making illicit immodest acts forbidden, or zinā, or gambling, or alcohol, or other than that from the forbidden things within the Sharī'ah.*

It is also the same case if they withhold from the rulings on blood, wealth, protection of honor and merchandise, etc. as legislated by the Book and the Sunnah. The same when the withhold from enjoining the good and forbidding the evil and Jihad against the kuffār until they accept Islam, or they pay the Jizyah with their own hands while they are in a state of humiliation^{96, 97}.

Similarly, he says: *So whichever group withholds from some of the obligatory prayers, or fasting, or pilgrimage, or adherence to the prohibitions on blood, wealth, wine, fornication, gambling, illegal marriages, or adherence to Jihad against the kuffār, infliction of Jizya on the People of the Book, etc. from the obligations of the religion and its prohibitions; those matters in which there is no excuse available to anyone in denying them or abstaining from – those with regards to which the denier of their obligation becomes a disbeliever; so indeed the withholding group is to be fought, even if it is well-settled*⁹⁸ in that position [or in a

⁹⁵ *Mukhtaṣir al-Fatāwa al-Miṣriyyah* (1/167)

⁹⁶ Tr. With reference to Allah, the Exalted's, statement: "...until they [especially the People of the Book] give the Jizya with their own hands while they are in a state of humiliation." (9:29)

⁹⁷ *Mukhtaṣar al-Fatāwa al-Miṣriyyah* (1/167)

⁹⁸ Tr. I was not sure what the author intended by the words "wa in kānat muqarratun bihā", as the term *muqarrarrah* could also imply the translation "even if they are in office/on the seat of power by virtue of these transgressions". I have opted for the translation that is less contentious for the sake of argument.

state of stability] with regards to these [transgressions]. This is something I know no difference of opinion about amongst the scholars.⁹⁹

The primary objective here is to demonstrate that fighting those groups that withhold from even a single legislation from the *Sharī'ah* of Islam that is clear and massively and continually transmitted [*mutawātir*] is a matter that is agreed upon between the scholars. Even before that, it is a matter substantiated by the Book and the *Sunnah*, and no condition has been placed with regards to this group that they have actually become *kuffār*. No: in fact, the simple fact of their abstention necessitates their being fought. This is just as has been clarified by the master scholar Abu Bakar al-Jassās (may Allah be merciful with him), through his statement:

The reasons why the fight of Abu Bakar (may Allah be pleased with him) against those who abstained from payment of Zakāt was met with agreement from the other Companions were twofold: firstly kufr and secondly abstention from Zakāt. That is because they abstained from accepting the obligation of Zakāt and also from its payment. They embody two separate implications: (i) abstention from accepting the command of Allah, the Exalted, and that is kufr; and (ii) abstention from payment of the obligatory charity due on their wealth to the Imām. So his fight with them was based on the combination of both these matters and that is why he stated, 'If they abstain from paying me even a rope that ties the camel ['uqāl]' or as in some reports 'a young she-goat ['unāq] from that which they used to pay the Messenger of Allah (may Allah send prayers upon him and peace), I would without doubt fight them for that.' So the only reason why we say that they were kuffār with their abstention from the accepting the obligation of Zakāt is because the companions labeled them as 'People of Apostasy' [ahl-ur-riddah], and this label is binding with them to our time. They would take their women and offspring as captives and had they not been apostates this approach would not have been taken. It is something upon which there was no difference amongst the first and most earliest, nor amongst the Muslims after them. I mean: those whom Abu Bakar fought were the People of Apostasy. So the one settled upon the matter of consuming interest, if he is of those who consider it to be legitimate then he is a kāfir; and if he is an abstainer supported by a group, then the approach that the Imām will take with them is that taken with the People of Apostasy, even though prior to that they were generally considered People of the Nation [of Islam]; and if they acknowledge its prohibition and are still doing it [while having that belief], the Imām fights them so long as they are abstainers and do not return [to compliance]. And if they are not

[a group of] abstainers, he will punish them for that by hitting or imprisonment until they desist.¹⁰⁰

So, as you can see, indeed the command to fight and its specification does not hinge on declaration of the abstaining party as *kuffār*. This is quite clear from his discussion regarding the consumer of interest.

Once this ruling is clearly understood, then it is unambiguously known that the government of Pakistan, its army, its institutions and its secret agencies taken together have become a group that is withholding (*aṭ-ṭa'if al-mumtani'ah*) with weapons and force from adherence to many legislations of Islam that are related to outward actions [*aṣ-ṣāhirah*] that have been massively and continuously transmitted [*al-mutawātirah*]. At the top of this list is its abstention from ruling by the *Sharī'ah* of Allah the Exalted and its fighting and torture of everyone who is really and sincerely endeavoring for that. For everyone knows that the laws enforced upon [Allah's] slaves in Pakistan and those related to the protection of their honor, blood, wealth, lives are all on the basis of whims and opinions and not based on the *Sharī'ah* of Allah and His religion. Thus, this state – in terms of it as an armed group of abstainers – is not simply satisfied with its abstention from the establishment of the rule of Allah the Exalted and renunciation of the rules of the *jāhili ṭāghūts*. Nay. In fact, in addition to that is its binding the people with that, subjugating them with that, charging them with adherence to it and ruling by it, punishing and pursuing those endeavoring for change or rejection of it.

This state, even though it claims that its constitution is Islamic and that the official principle it is employing is simply the elimination of rebellion against one aspect of the *Sharī'ah* of Islam, then without doubt this is just a tactic from their game, disregard of sound intellect and mockery of the *Sharī'ah* and its *Ahl*¹⁰¹. For indeed, this constitution that they claim to be Islamic, if it was the *Sharī'ah* of Allah the Exalted and His rulings to which adherence is commanded both in action and in word, then it must actually be put into operation in all aspects of its life – whether that is politics, economics, organizations/parties, judiciary, foreign affairs, etc. And if it is even minutely other than the religion of Allah, the Exalted, then it is a *ṭāghūt* constitution [a constitution command transgression/opposition to the laws of Allah], just like other constitutions that fill the earth and their labeling as Islamic is of no avail: “...That is

¹⁰⁰ Ahkaam-ul-Qur'aan lil Jassaas (2/193)

¹⁰¹ Tr.: It was not clear if what the author meant by *ahl* was Allah as the Person of *Shari'ah* or the People of the *Shari'ah* as both connotations were understood. Hence, I have left this unchanged.

⁹⁹ Majmū' al-Fatāwa (28/503)

your saying [merely] by your mouths but Allah says the truth, and He guides to the [right] way,” (33:4).

How else are we to understand the state of this renegade country with its alleged Islamic constitution, except like that of a person who says, “My frame of reference is only Islam.” But then he refuses subjugation by it, referring back to it and adherence to it: at that point in time, will his claim be of any avail? Had claims such as these been a source of safety for its makers, and a valid argument for whoever affiliated themselves with it, then none would ever face punishment nor be made to abide by it. Without doubt, generations have perished and times have fallen by in the demands for a return to the “Islamic constitution” that the state appends to itself while throwing it aside; remaining distant from it and cutting off all connections to it.

Ponder over the approach *as-Siddiq* (may Allah be pleased with him) with the objectors to *Zakāt*: those who affirmed all of Islam, adhered to it in its apparent and its hidden and did not differ with it except in one ruling out of the many rulings and that was the lack of adherence to payment of *Zakāt*. In spite of this, they committed what they committed based on an interpretation of it, a doubt upon which they relied. That is, they continued to consider [Islam] their reference point so much so that they were even using the Qur’an in arguing to support their abandoning the *Zakāt*. In spite of that, Abu Bakar did not accept their excuses. He did not say, as we do, that we call upon them to return to the “Islamic Constitution”. He only unsheathed the sword upon their faces, and struck with it upon their necks and attacked them in every place, until they submitted to the command of Allah and adhered to his rulings in full.

The master scholar, ibn Kathīr (may Allah be merciful with him), says in his *tafsīr* of the statement of the Exalted, **“Take, from their wealth, a charity that would purify them and be a source of increase for them and pray for them. Indeed, your prayer is a source of calm for them. And Allah is All-Hearing All-Knowing,” (9:103):** *It was due to this that some of the abstainers from the Zakāt from the Arab areas believed that payment of Zakāt to the Imām could not happen; that this was solely for the Messenger of Allah (may Allah send prayers upon him and peace). Thus they used, to support their case, this statement of the Exalted “Take, from their wealth, a charity that would purify them and be a source of increase for them and pray for them. Indeed, your prayer is a source of calm for them.” But, of course, this interpretation of theirs and corrupted understanding was rejected by the Affirmer of the Truth (aṣ-Ṣiddiq), Abu Bakar, and all of the Companions. So they fought them until they paid the Zakāt to the Khalīfah, just as they had been paying it to the Messenger of Allah (may*

Allah send prayers upon him and peace). *Aṣ-Ṣiddiq even said, “By Allah, even if they withhold a camel’s rope (and in one narration: a young she-goat) from me that they would pay to the Messenger of Allah (may Allah send prayers upon him and peace) I would fight them due to their withholding it.”*

There has not been any well-founded Islamic organization in Pakistan that demanded the implementation of the “Islamic constitution” except it is a witness to what we have said about this country’s essence: in terms of its government, its army, its secret agencies and its forces that guarantee its security; it rejects and abstains from the implementation of the religion of Allah, the Exalted. So it is like this: those placing the demand were all the Muslims; the ones resisting the demand were the government of Pakistan and those who “orbit around it”; and that demanded was rule by the *Sharī’ah*. The result: after all facilitations and clarifications, Pakistan still withheld from ruling by the *Sharī’ah* of Allah the Exalted and, if anything, has entrapped some of the people within its constitution. So, when it was that some of the scholars made fighting the group that even abstained from the *Sunnah* acts [non-obligatory acts of the Prophet (may Allah send prayers upon him and peace)] (which some ignorant people of our time do not consider any problem at all) then what about those who abstain from the *Sharī’ah* of Allah completely and oblige the people to follow the *Sharī’ahs* of Satan? And then they repel, torture and drive out whosoever opposes it?

The eminent scholar, ibn Nujaym al-Hanafī¹⁰², states (may Allah be merciful with him): *The Zāhīriyya, the Walwālījiyyah, the Tajnīs and others hold that: if the people of a town gather together on the matter of abandoning the Witr prayer, the Imām must discipline them and imprison them. If they do not desist, he should fight them. And if they abstain from offering the Sunnah [prayers], then the answer of the master scholars of Bukhāra is that the Imām fight them just as he would fight them on abandoning the obligatory ones. This is due to what is narrated from the ‘Abdullah ibn al-Mubārak that he said, “Should the people of an area deny the Sunnah of Siwāk¹⁰³, I would fight them just as we fought the apostates.”¹⁰⁴*

And it is well-known that the Siwāk is only a [voluntary] *Sunnah*, by the consensus of the scholars; then what is your problem with one who denies the obligation of judging by *Sharī’ah* completely.

¹⁰² Zain-ud-Din bin Ibrahim bin Muhammad (d. 970), famously known as ibn Nujaym, was a well-known Hanafi jurist of Egypt. Amongst his works are *al-Ashbaah wan-Nadhaair* (Usool-ul-Fiqh) and the famous reference on Hanafi fiqh, *al-Bahr-ur-Raa’iq fi Sharh Kanz-ud-Daqa’iq*.

¹⁰³ [Tr. That is, to clean the teeth using the stick made from the root or small branches of certain trees, as was the massively and continuously transmitted (mutwatir) practice of the Messenger of Allah (may Allah send prayers upon him and peace).]

¹⁰⁴ *al-Bahr-ur-Raa’iq* (4/192)

So tell me, by your Lord, which of the two parties is more entitled to be fought: those who withhold *Zakāt* while carrying out all the outward symbols of Islam, abiding by them all except only the payment of *Zakāt*; or this renegade state, its army and its security forces that absolutely refuse and completely reject adherence to the rulings of the *Sharī`ah* an abiding by its legislations? Moreover, they war against everyone who refuses the call to it and endeavors to rebel against it – and that is something that the abstainers from *Zakāt* did not do and neither did it come to their mind.

Other than that, what about the one who withholds from a state that has an established government that claims for itself “absolute sovereignty”; rejects that anyone opens its “statehood” up to vulnerabilities or plots against what it calls its “national security”; and has spread out its forces both across its length and the breadth; and broadcasts, through its secret eyes and spies, accounts of the movements and meetings of people at night, in their houses? What is it that prevents it from establishing the *Sharī`ah* of Allah, enforcing its rulings except barefaced refusal, open rejection, abhorrence for the truth that is brought in by force? Then what is the value of its forces? What is the benefit of its vast network of secret eyes and spies? What is the meaning of its “security” and “stability”? What is this “sovereignty” that it speaks so much about and hates that that be questioned?

So if there has not been anything else other than this of its forms of abstention from the *Sharī`ah* of Islam, that is outwardly apparent and massively and continuously transmitted, then that would be more than enough. Then what about when it has added to these forms and varieties of abstention things that are almost uncountable? So everyone knows with knowledge of certainty that Pakistan has stood in the most perfect way besides America; the carrier of the cross in its war against the Muslims in Afghanistan prior to, during and after the downfall of the Islamic Emirate of Afghanistan. To date, it has continued to go to great lengths in this support and its forms vary greatly – to the point that Pakistan has become a most fundamental base, a prime launching pad and a strong agent for the forces of the Cross. It has come to the point where she is now the nest of plots, schemes and conspiracies that are hatched upon the Muslims in general and especially against the *Mujahidīn*. This is in such a manner that it is not fearful of America, despite its power. Proceeding with or delaying the flight of its machines [drones] is not possible had it not been that Pakistan provided stopovers for them during the war that it had initiated against the Muslims in Afghanistan and Pakistan along the same lines.

It is an obligation upon the Muslims, and the scholars in particular, that they do not sneak past these matters as if this they are irrelevant to them.

No. They must take a clear and unrelenting position in articulating these facts. They must present them and clarify them for the people, as much as they can. They should call to the fighting of those who been installed upon them, those who have betrayed the religion, both in secret and in public. For indeed, the aiding of a Muslim is obligatory upon the Muslim as per the *Sharī`ah* as the Muslims are one nation and are a single hand against those who are other than them. So boundaries cannot divide them, and blockades do not come between them, just as the Exalted has stated:

“Indeed this, your *ummah*, is one *ummah*; and I am your Lord, so worship Me.” (21:92)

“The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give *Zakāt* and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.” (9:71)

And the Prophet (may Allah send prayers upon him and peace) stated, “*Help your brother, whether he is an oppressor or an oppressed one.*” So a man said, “*O Messenger of Allah, I will help him if he is an oppressed one, but how can I aid him if he is an oppressor?*” He replied, “*Prevent him from the oppression then that would be your help for him.*”¹⁰⁵

The point is that the apparatus of the state – its army, police and secret agencies taken together – have become a *ṭa`īfah mumtani`ah*. Its very existence, arms and might have been completely devoted to the Crusader forces that are engaged in war in the lands of the Muslims. The support provided by them is in a most absolute manner and open and wide space has been dedicated to them in the land, air and sea so that they may easily pour forth its firepower and bombs upon the weak Muslims in Afghanistan and Pakistan. It has devoted those forces as escorts and guardians for their convoys, military bases and their secret prisons. They are called up to hunt down the *Mujahidīn* wherever they are and deliver them to Christian America that confesses point blank to having tortured them, violating their honor, and desecrating the Book of Allah right in front of their eyes, out of the spite that is in them. Not even women have been spared from that confession. Then, after all these crimes and heinous acts, does there remain even the least doubt in the obligation to fight these criminals? Is it possible that any just person can say that the crime of the abstainers from *Zakāt*, the fighting of whom the Companions were agreed upon, was a greater harm, more severe as a crime and more paramount in terms of

¹⁰⁵ Agreed upon by al-Bukhari and Muslim

corruption and perversion than these groups towards whom we have been alluding?

3. The army of Pakistan has become an enemy assaulting (ṣā'il) the religion, against whom defense is an obligation

The point of describing it as “assaulting” (ṣā'il) is: had what we have mentioned earlier about its abstinence from abiding by much of the Islamic *Sharī'ah* been enough, we would have stopped there. But, in fact, on top of that there is the matter of its compelling the people, domineering over them and coercing them to commit atrocities and abandoning many obligations and duties. This is from the most serious of corruptions in the land. In reality, it is even greater than the corruption caused by the highwaymen who assault for the sake of blood or wealth. That is because, the harm of these highwaymen only mostly relates to specific and limited groups of people that are traveling along the roads. As for these criminals, their corruption has indeed become pervasive in the lands, polluted the slaves [of Allah] and has taken into its fold the approaches to the religion, all of them: the belief system, legislation, manifest symbols, etiquette, politics, daily dealings, etc.

“Assault” has a clear and well-understood meaning.¹⁰⁶ It is known by its occurrence and establishment. No effort is required for it to be understood and comprehended. For, indeed, Allah the Glorified and Exalted has revealed laws for the preservation of well-known necessities: the religion, the self, the intellect, the lineage, and the wealth. There is not a single transgression that occurs against any one of these necessities except that the *Sharī'ah* has a decreed punishment for it (i.e. the *ḥudūd*) or one not specifically decreed (i.e. the *ta'zīrāt*). These are for those instances where the transgressor is one over whom there is power, occurring within the authority of the Muslims while under arrest by them and it is possible to execute the rulings of Islam upon its perpetrator, by will or by force. Hence, [for example] for the protection of the religion we have the punishment of apostasy; for the protection of the souls we have the law of retribution [*qiṣāṣ*]; for the intellect we have the *ḥadd* for consuming intoxicants; for lineage we have the *ḥadd* for fornication and similarly the *ḥadd* of [false] allegations; for wealth is the *ḥadd* of stealing. As for “assault”, then where this occurs upon one of these necessities from the

¹⁰⁶ Tr: In the context of this discussion, it is essential that we recall the *āyat* indicating the seriousness of such a crime. Allah, the Mighty and Wise, says, “Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment,” (5:33).

side of a person with arms, force and resistance, but over whom the authority of the ruler does not prevail and against whom the power of the *Imām* does not deter; then this necessitates defense and deterrence against him until his evil is cut off and his corruption is stopped. This is as has been reported in a number of *aḥādīth* from the Prophet (may Allah send prayers upon him and peace). Of these is what has come from Abū Hurayrah, where he says:

*A man came and said, “O Allah’s Messenger, what is your view about a man who wishes to take my wealth?” He said, “Do not give him your wealth.” He asked, “What is your view if he fights me?” He said, “Fight him.” He said, “What is your view if he kills me?” He said, “Then you are a martyr [shahīd].” He said, “What is your view if I kill him?” He said, “He is in the Hellfire.”*¹⁰⁷

From Sa’īd bin Zayd (may Allah be pleased with him) that the Messenger of Allah said: *Whoever is killed guarding his religion then he is a martyr. Whoever is killed guarding his blood then he is a martyr. Whoever is killed guarding his wealth then he is a martyr. Whoever is killed guarding his family then he is a martyr.*¹⁰⁸

This hadith has enumerated four of the necessities for which all men defend themselves against anyone who targets them: religion, self, wealth and honor. And it is narrated from Suwayd bin Muqarrin (may Allah be pleased with him) who said that the Messenger of Allah (may Allah send prayers upon him and peace) said, “Whoever is killed while guarding from an injustice done to him, then he is a martyr.”¹⁰⁹

Given that this is the case, and we know what it is that the Pakistan Army stands for (in fact, all of the states security agencies) in terms of its manifest transgression against the *Sharī'ah* of the Lord of the Worlds, by keeping it away from the rule and distancing it from the lives of the people; preventing them from ruling by it and judging by it; using force and power to bind them to the legislations of the *shayāṭīn*, of the East and the West; enforcing that upon them with full force and leaving no exit for them from it. We learn from this that what these successive governments have been erected for is solely to “assault” the *Sharī'ah* of the Lord of the Worlds, defense of which is mandatory to whatever extent possible. It is well-known that these groups do not settle simply at abstaining from the

¹⁰⁷ Narrated by Muslim

¹⁰⁸ Narrated by at-Tirmidhi, Abu Dawood, an-Nasaa’i and ibn Majah. At-Tirmidhi stated that the hadith is *hasan sahih* (highly authentic).

¹⁰⁹ Narrated by an-Nasaa’i and ad-Diyā’. It is also reported by Aḥmed on the authority of ibn ‘Abbās (may Allah be pleased with him).

establishment of the rule by the *Sharī'ah* and dismiss adherence to its laws. In fact, on top of that is its commencement and declaration of a barefaced war against every single one who endeavors for the establishment of the religion, demands rule by the *Sharī'ah* of the Lord of the worlds and tries to rebel against its *Jahilī* rulings.¹¹⁰ It tries to make everything impossible for it. By virtue of this, it adds to its abstention, its “assault” upon religion, souls, wealth and honor. Because of that, fighting them becomes a fight to defend against an assaulting enemy. It is a fight that targets before it is targeted; transgresses before it gets transgressed. The matter is just as the great scholar, Abu al-`Abbaas (may Allah be merciful with him), has stated:

*As for the defensive fight, then that is of the most intensive form of defense against an “assailant” (ṣā'il) in protection of sanctity and religion. So it is obligatory by consensus. Thus, after belief, there is nothing more obligatory than defending against the assailant enemy who corrupts both the religion and the material world. So there are no conditions placed upon it. In fact, it is defended against as much as is possible. Both the scholars from our school [the Hanbalīs] and of others have expressed this in writing. Hence, it is a must to differentiate between defending against an oppressive assailant and seeking him out in his own lands.*¹¹¹

By the [phrase] “assault of the Pakistani government and its army upon the Muslims”, we do not only mean what it has carried out in terms of war upon their residences, destruction of their houses, torture of their men and women as found in Bajaur, Waziristan, Swat and other places. That is what is most manifest of their apparent assault and transgression. This transgression only emerged and became observable for the people after the efforts of the truthful from amongst the people of belief in defending against its first assault and earlier transgression upon the *Sharī'ah*. That was by its suspension and invalidation of rule by it and hunting down those endeavoring to rule by it. Thus, the nature of this government and its forces has been made to reign over the lands of the Muslims and their rule by the *Sharī'ah* of Satans. The program that had been planned with much skill to demolish and destroy morals had been put in place and expressed through various publications. It mutilated the intellect and thinking of the people by way of curriculums for perverse education. It obliged them to follow a western economic system that had no connection with Islam. It

then encompassed all these matters with its force and arms in protection of them and in order to enforce them upon the people. All of this enters into the meaning of the “assault” which obligates it being defended against, fought and action initiated against it. It does not allow being waited upon that it should increase in this assault and transgression of its with any other new assault and further transgression.

It is the meaning that requires confronting it *within this homeland*. That is because the assault that it ultimately intends and that requires fighting this abstaining group not by besieging it in a manner that some people imagine due to what the forces of Pakistan have carried out in Waziristan or Bajaur or Swat or other places. No: it is every single grain of sand in the Pakistani soil that is the object of the assault. This assault necessitates defense from it. And it is known that this government, with its forces and its manifestations, will not stop simply at having the hands tied while it is looking on at those who are defending against its misguidance and deterring against its oppression and transgression. No: it will defend itself and its *kāfir* system and will fight everyone who tries to prevent it from continuing to enforce and uphold it. It is from here that emerge some of the images that have been seen that capture the state of defense against its assault and that have been witnessed by the people with their own eyes.¹¹² This is the state because of the reasoning that we have been alluding to.

So here there lies another issue that relates to the state that we are in. That is that the scholars have a consensus that the enemy, when it seeks to destroy the lands of the Muslims, then the *Jihād* becomes an individual obligation upon its inhabitants. If they are able to drive it out then that suffices. If not, then the circle of obligation widens one after another until the objective is realized, or that the obligation becomes general upon the whole of the earth. This is just as the great scholar Abu Bakar al-Jassas al-Hanafī (may Allah be merciful with him) has stated: *It is recognized as the belief of all the Muslims that when the people of a fortress fear an enemy, and they do not possess in themselves the ability to stand up against them and they fear for their lands, lives and offspring then it is an obligation upon all of the ummah that those march to them who will suffice them against the opposition to the Muslims. This is something in which there is no difference amongst the ummah, as it would not be the statement of any of the Muslims that they allow the sitting back from them until they actually spill the blood of the Muslims and take their children as captives.*¹¹³

¹¹⁰ Tr: Asif Zardārī, in the face of much suspicion of the involvement of underground American forces in some Peshawar bombings of non-combatant civilians (amongst other conspiracies against Pakistan), recently persisted with the statement, “We need America’s support for the protection of *democracy*.” The objective of this alliance has been made very clear: the protection of the current system of governance regardless of its consequences for the Islām of the Pakistanis.

¹¹¹ *Al-Fatāwa al-Kubrā* (5/537)

¹¹² Tr.: It is worth considering that this statement is being made prior to the attacks on the Pakistan Army GHQ in Rawalpindi and the spate of attacks on other military targets in recent weeks. However, it will be noted that these directly coincided with the “assault” on Waziristan.

¹¹³ *Ahkaam-ul-Qur’aan* (4/312)

The master scholar, al-Qurtubi states (may Allah be merciful with him): *When Jihād becomes an individual obligation due to the enemy overpowering a territory from the territories, or occupying the uninhabited areas, then it is obligatory upon all of the people of that land that they march forth and go out to it, light or heavy, young or old, everyone according to his strength; whoever has a father then even without his permission and even the one who has no father. No one who has the ability to march out should stay behind – whether they are fighters or increasing numbers. So if the peoples of that land are unable to stand against their enemy, then it is upon those near by and in their neighborhood that they march out in accordance with what is required by the people of that land, until they gain knowledge that they now have the strength to stand up to them and defend against them. Similarly, everyone who has knowledge of their weakness vis-à-vis their enemy, and knows that he can catch up with them and it is possible for him to aid them, then it is binding upon him to also go out to them. So the Muslims are one hand against those other than them. Even when the people of a township stand up to defend against the enemy and they have not entered it, then it is binding upon them that they also go out to them. That is, until the religion of Allah prevails, the pale [of Islam] has been defended, the occupied territories are preserved and the enemy has been disgraced. No dispute exists on this matter.*¹¹⁴

It is well-known that Afghanistan was an Islamic Emirate ruled by the Sharī'ah of Allah the Exalted and the people were secure in terms of their religion, lives and wealth. So the armies of the Christians got together, coming from their various lands in order to fight that Emirate, until they brought it down and overpowered their people and imposed their authority upon the land. So the Jihad became an individual obligation upon its peoples. And that was also upon those who were near them. The first and most entitled to obey this ruling were the people of Pakistan, as they were right besides them and had power over what others did not possess power over; from the things that would amount to the military support that Allah had required from the Muslims.

Furthermore, the condition today is not at all different from what it was when atheistic Communist Russia occupied Afghanistan. It was when the scholars of Pakistan passed their juristic opinion (*fatwā*) that the *Jihād* was an individual obligation in those times until the occupiers had been repelled. It is well-known, also, that the description of these Christian armies that are occupying Afghanistan is as an enemy who has assaulted upon the lands of the Muslims, and their blood, honor, wealth, and their men and women. There is no harm greater than the harm that they put in

authority and whoever thinks that it is possible that they would acquire from them even the least good for his religion then he is a misguided misguides, declaring false the Book of Allah the Exalted that has described the *kuffār* with the worst of descriptions that indicate their reality. Such as His, the Exalted's, statements:

"...And the *kuffār* - they are the wrongdoers." [2:254]

"They do not observe toward a believer any pact of kinship or covenant of protection. And it is they who are the transgressors." [9:10]

"Without doubt, *they* are the corrupters, but they perceive [it] not." [2:12]

"Every time they [the Jews] kindled a fire for war [against you], Allah extinguished it." [5:64]

So how do you expect good from a people who are the "transgressing", "corrupting" "wrong-doers"?

This is a matter that has been witnessed: the people have seen it with their own eyes. Just as it is not possible for anyone (whoever it may be) that they should hesitate about the fact that the Government of Pakistan, its apparatus (army, police and secret agencies) has extended to this "assailant" enemy whatever it has been endowed with military power and secret services, etc. And that its army and secret services have been dedicated in the most absolute, open and public manner to these Christian forces that have transgressed upon the lands of the Muslims in Afghanistan. This is *after* they have opened their ports for their ships and supplies, facilitated the ways for their convoys and their weapons, put down military bases for their planes and forces and established prisons for the detention of the righteous and *Mujāhidīn* from the Muslims. They torture them and lacerate their bodies in order to please those *kuffār*. They have mobilized their forces to act as guardians and protectors of what they call the boundaries between it and Afghanistan in order to prevent the Muslim *Mujāhidīn* from helping their brothers and fulfilling their *Sharī'ah* legislated obligation required of them. And after this description that no one can really exaggerate about, what is the difference (solely from the point of view of the *Sharī'ah*) between the task the Crusader forces and its helpers in Afghanistan have undertaken, and what the Pakistan Army and all its other services have set out to do; in terms of being completely dedicated to these occupying forces, and their participation and sharing in all its crimes that it executes against the Muslims generally and especially in Afghanistan. What is it that makes permissible the killing of an Afghani soldier who is happy to be put side by side with the Crusader forces from America and others, but prevents the killing of a Pakistani soldier who is

¹¹⁴ *Tafseer al-Qurtubi* (8/152)

pleased with the assignment to a similar position? In fact, it is not even possible for the Afghani soldier and the Crusader forces to perform even one percent of what they have taken on, in terms of their crimes to date against the Muslims there; had it not been for the cooperation, support and reinforcement provided by the Government of Pakistan for that purpose. Thus, we know that the laws of the *Shari'ah* do not pertain to empty names and do not recognize imagined boundaries. So the fighting of the Afghani is not obligated because of his being Afghani, and a Pakistani is not withheld from due to his being Pakistani. Nor is the killing of the American necessitated due to his being American. In fact, it is due to the clearly defined description that covers whichever of these that necessitates fighting him. And in this homeland that we honor, the transgression has come from the Americans, and the support and cooperation has come from its aides, Afghani and Pakistani – that is what has made them meet with that and bestowed upon them this ruling.

It is well-known, that the majority of the scholars are of the opinion that the ruling on aiding and abetting (that can be clearly identified) and one who is directly involved in highway robbery is the same. So the *hadd* is applicable upon the perpetrator and the one aiding. This is just as the great scholar ibn al-Hammam al-Hanafi¹¹⁵ has stated, “*His statement, ‘If one of them was directly involved in the murder’ that is one of them while the rest were in support but were standing by, were not killing with him nor helping him, ‘the hadd will be applied upon all of them’, so they will be killed...*”¹¹⁶

‘Allamah Abū al-Abbās (may Allah be merciful with him) states: *As for the accomplice in what required cooperation, such as in highway robbery, then the majority of them are of the opinion that the hadd is obligatory upon the accomplice and the one directly involved, altogether. It is the opinion of Abu Hanifah and Malik.*¹¹⁷

And he also says: *When the ones fighting a forbidden war are a group, then one of them was directly involved in the killing by himself, and the others were his helpers and accomplices, then it has been said, ‘He alone was the killer.’ But the majority are of the opinion that all of them were killers, even if they were one hundred, and that the accomplice and the direct perpetrator are alike. This is what is narrated from the Rightly*

¹¹⁵ Muhammad bin ‘Abdul Wahid bin Abdul Hameed ibn Mas’ood (790-861 A.H.), the famous Hanafi scholar, famously known as ibn al-Hammam. Born in Alexandria and later moved to Cairo. He stayed in Aleppo for some time and also around the Haramayn. Of his famous books is *Fath-ul-Qadir* the explanation of *al-Hidaayah*, eight volumes on Hanafi fiqh and *at-Tahreer* on principles of Islamic jurisprudence.

¹¹⁶ *Fath-ul-Qadir* (12/354)

¹¹⁷ *Minhaj-us-Sunnat-un-Nabawiyya* (2/175)

*Guided Khalifahs. For indeed, ‘Umar bin al-Khattāb (may Allah be pleased with him) killed the “rabī’ah” of the combatants. And the “rabī’ah” is the watchman who sits on a high place, looking from there to who is coming. And that is because the direct perpetrator only feels secure in his killing due to this aiding and abetting. A party, when some of them help the others until they all become abstainers then they are all participant in the rewards and the punishments.*¹¹⁸

So when this ruling has been confirmed (by the majority of scholars) about the one who has been clearly identified as the highway robber, and the one guarding over him, even though he is not directly perpetrating the crime with his own person and own action, then what about these criminals in the Government of Pakistan and its armies? They do not stop at only being accomplices to the *kāfir* Crusaders occupying Afghanistan and that is enough. No: in fact, they are directly involved in that and aid and abet them publicly in all that they perpetrate of crimes against the Muslims in Afghanistan and other places. Until they became such that they do not attempt to disentangle themselves from them. In fact, the leaders of the disbelievers and their heads continue to publicly declare that the support that Pakistan has provided to them has become one of the most important reasons for their success in what they have declared as the “War on Terror”. In reality, it is nothing but a “War on Islam”.

So there is no doubt after that this criminal army is a partner with the Christian armies in the crimes that they have carried out. So it must be a partner in its punishment that will descend upon them, and that is fighting them and doing *Jihaad* against them on an equal footing. The attempt to differentiate between them in that and to specify the fighting to those occupiers of Afghanistan and their helpers who are from their people and their land is an illusion that is not derived from the *Shari'ah* of Allah and is not based on its evidences. It is only a pollution from the pollutions of *Jahiliyyah*, affected by its call and its false claims that “Allah has revealed no authority for”.

The point to take from this is that the assault, transgression and oppression that the Crusader forces are exercising upon the Muslims in Afghanistan, such as spilling their blood, violation of their honor, torturing their men and women, killing and terrorizing their children and pillage of the minerals of their lands, etc. is only achieved through the direct cooperation and active participation from the Government of Pakistan, its extremely servile and mercenary army, its criminal secret agencies. They altogether have become an assailant enemy, against whom defending the Muslims is

¹¹⁸ *Majmoo` al Fataawa* (28/311)

obligatory in order to hold back its evil and uproot it, while keeping in mind that the Muslims (all of them) are one nation who are not split up by boundaries and blockades do not separate them. Fences do not prevent them from helping each other and there is nothing that creates ranks of virtue between them, except *taqwa* and good conduct. For they are like the Prophet (may Allah send prayers upon him and peace) has described them in his statement, “*The example of the believers in their mutual love, mercy and affection is like that of the body. If a part of it feels pain, the rest of the body falters with sleeplessness and fever.*”¹¹⁹

Thus, the assault and transgression that covers the Muslim in Afghanistan: it is from the assault and transgression that covers the Muslim of Pakistan. And the transgressor and assailant upon the Muslims of Afghanistan, is the transgressing assailant against the Muslims of Pakistan and upon all who help, support and cooperate to defend against the transgression and assault upon them.

This and what necessitates the fighting of the Pakistan Army and its other apparatus that are counted as pillars of their *Taghūṭī* state are very many. I have only mentioned three of them as they count as the foundation for what we I have not mentioned. The objective here is not investigation, pursuit or complete incarceration; for the hint alone is enough for the one who is clever. Thus, it is an obligation upon the Muslims of Pakistan, especially their noble scholars, that they should make preparations and shake themselves up in order to carry out this obligation. For indeed, Allah will facilitate for them the means and possibilities that would make them entitled to success and reaching the intended target. That which would not be made easy for those other than them. So this emphasizes the obligation upon them, and raises the urgency of this demand. They should be cautious of the slippery tracks of *Shayṭān*, the beautification of desires that weigh down the wings upon the earth and appear in a variety of forms. They clamp down the one who gets wrapped up in them due to their embellished appearances. And also, that they should know that the trial is every trial in the abandonment of Jihaad, abstention from this world in the search for martyrdom, just as the Lord of the slaves has said:

“And among them is he who says, ‘Permit me [to remain at home] and do not put me to trial.’ Unquestionably, into trial they have fallen. And indeed, Hell will encompass the kuffār.” (9:49)

So none flees from it, nor does a denier deny it, except that his footsteps slip into one of the slippery tracks of tribulation whose ultimate end none knows except Allah, the Glorified and Exalted.

“...So let those beware who dissent from [the Prophet's] order, lest *fitnah* [tribulation] strike them or a painful punishment.” (21:63)

So we take refuge with Allah from the tribulations [*fitnah*], that which is apparent of it and what is hidden of it.

We ask Allah that he employ us and not substitute us and make us firm upon the truth and guidance and the way that leads to what is sought. So much so that we meet Him, pleased and pleasing, and that we are upon the path of Jihaad, with our end while we are seeking Shahaadah. Indeed, He it is who is the All-Hearing, Most Near. All praise is for Allah, in the beginning and in the end.

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¹¹⁹ Related by Ahmed and Muslims

Appendix A: Consensus as proof

Just like the Qur'an and the Sunnah, a third source of Islamic law is the consensus of Muslim scholars (*ijmā'*). If established, it is considered as a valid and binding proof, especially when established amongst the Companions (may Allah be pleased with them) of the Messenger of Allah (may Allah send prayers upon him and peace). This following provide some of the most reliable proofs for this, from the Qur'an and authenticated traditions:

1. **“And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination.” [4:115]**

The underlined portion substantiates that it is not only a crime to go against the command of the Messenger (may Allah send prayers upon him and peace) himself, but additionally, even following a way other than that of the believers is deviancy in religion. This is one of the proofs said to be brought forward by the master scholar ash-Shāfi'i.

2. **“O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.” [4:59]**

The underlined portions indicate that when there is no disagreement, then those in authority (especially when they agree) may be followed. Note that those who hold religious authority are the scholars and preservers of knowledge, and if they agree then they are to be “obeyed”. It is only in cases of disagreement that the command is issued to refer back to the Qur'an and Sunnah. Else following the community of the believers and their *Imām(s)* is sufficient. This is another proof attributed to the master scholar ash-Shāfi'i (may Allah be merciful with him).

3. **“And the first forerunners [in the faith] among the Muhājirīn and the Ansār and those who followed them with in perfection - Allah is pleased with them and they are pleased with Him, and He has prepared for them gardens beneath which rivers flow, wherein they will abide forever. That is the great attainment.” [9:100]**

This is a proof that even following the consensus of this specific set of Companions is actually a praiseworthy act. Hence, we can establish by this one of the key arguments of this text: the election of Abu Bakar (may Allah be pleased with him) by the collective action of the Muhijirin and Ansar in Madinah alone and their support of his wars against the withholders of *Zakāt*, in spite of their uttering the two testimonies and prayer, becomes a valid evidence in *Sharī'ah*, in fact, to follow it perfectly is a source of Allah's great pleasure.

4. *“There shall never cease to be a group from my ummah, that will remain dominant upon the truth, until the Hour is established.”*

This is the common part of the *hadith* that has been continuously and massively transmitted (*mutawatir*), and various chains of narration can be found just in al-Bukhari, Muslim and Ahmed themselves.¹²⁰ Given that there will always be someone on the truth, then when all of the Muslims agree, they have surely agreed with this group that will continually remain upon the truth.

There are various other ahadith and even arguments in logic¹²¹ that have been presented in defense of this principle, however, these few citations should be sufficient to establish that there are strong indications for it in the most reliable of our Islamic sources.

¹²⁰ In *Al-Khulāṣah fī Ahādīth-ut-Tā'īfat-ul-Manṣūrah*, ibn Nayif al-Shuhūd has counted between 11 to 16 companions that have narrated this *hadith*. Abul-ʿAbbas ibn Taymiyyah cites it as being *mutawatir* at his time as well.

¹²¹ One can refer, for example, to the logical deductions presented by ibn Taymiyah in *Majmoo al-Fatawa libni Taymiyah* (1/12), on the principle regarding unity and division – its reasons and results.